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

HUNTER'S MANUFACTURING COMPANY, INC.
d/b/a TENPOINT CROSSBOW TECHNOLOGIES,
Petitioner,

v.

RAVIN CROSSBOWS, LLC,

Patent Owner.

Case No. IPR2023-00407
Patent No. 9,354,015

DEPOSITION

WITNESS: Jonathan R. Teater

DATE: Monday, January 22, 2024

START: 9:02 a.m.

END: 7:14 p.m.

LOCATION: Precision Reporters, LLC
One Lincoln Center
110 West Fayette, Suite 750
Syracuse, New York 13202

REPORTER: KIMBERLY A. BONSIGNORE

JOB NO: 22142

Hunter's Manufacturing Company, Inc. - Ex. 1034
Hunter's Manufacturing Company v. Ravin Crossbows, IPR2023-00407

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(Exhibits retained by the Court Reporter to be returned to Attorney Skeriotis)

* * *

JONATHAN R. TEATER,

called herein as a witness, first being sworn, testified as follows:

CROSS-EXAMINATION BY MR. SKERIOTIS:

Q. Good morning, Mr. Teater.

How are you?

A. Good.

How are you?

Q. Good.

My name is John Skeriotis. We've already met right before we started this. I'm counsel for Hunter's Manufacturing Company, Inc., better known as TenPoint Crossbow Technologies.

Can you state your name for the record?

A. Jonathan R. Teater.

Q. You know, all of your answers, or anything you say, are being taken down by the court reporter.

Are you aware of that?

A. Yes.

Q. Okay. So we need verbal responses. "Uh-huh" or "uh-huh," like I just did, don't do that.

Any reason why you may need to take a break today?

A. Probably just to move my car.

Q. Okay. And how long do you think that's

going to be before you have to move your car?

A. 11.

Q. 11 o'clock?

A. (The witness indicates nonverbally.)

Q. Okay. Is there any reason today that you can't testify truthfully and accurately today?

A. No.

Q. You're not on any medication I should be aware of?

A. No.

Q. Okay. This deposition is slated for seven hours, and that doesn't count the time that we break.

Are you aware of that?

A. Yes.

Q. Okay. So I would like to get done earlier, if possible. It all depends on how quickly we get through things, but we do have a lot to get through. So I ask that you answer questions I pose to you as clearly as you can, and I'll try to ask questions that you're able to understand.

Is that fair?

A. Yes.

Q. How old are you?

A. 41.

Q. And where do you live?

A. Tully, New York.
Q. What is your home address?
A. 5425 Gatehouse Road, Tully, New York.
Q. Do you have any plans to move?
A. No.
Q. Okay. Have you ever given a deposition before today?
A. No.
Q. Have you ever testified before today?
A. No.
Q. So no court proceeding or anything like that?
A. Yeah, when I got divorced, I had a court proceeding.
Q. Did you testify in that court proceeding?
A. No.
Q. Okay. Had you ever been an expert witness before today?
A. No.
Q. You are here today as an expert; correct?
A. Yes.
Q. Okay. And you're being paid to testify; correct?
A. Yes.
Q. And how much are you being paid to testify

today as an expert witness?

A. I get paid $500 an hour.

Q. Do you know how Ravin found you? Are you aware of that?

A. Not specifically.

Q. Did you know anyone at Ravin before Ravin hired you?

A. I can't remember specifically names of people, but I have talked to marketing people years ago.

Q. Do you know who those are by name?

A. I do not.

Q. Okay. Did you know anyone at Ravin -- strike that.

Have you ever spoken to anyone at Ravin?

A. As I said before, the marketing folks years ago, and I can't remember what year that may have been.

Q. But since being hired, have you spoken to anyone at Ravin?

A. No. No, I have not.

Q. Let's try not to talk over each other as well, it makes a nightmare for her, if you don't mind.

A. Okay.

Q. Both of us, by the way. I have a bad

habit of doing that, so I'll try not to do it too.

Have you ever met Craig Yehle?

A. I have.

Q. Okay. So you're aware he is with Ravin?

A. I'm not.

Q. Did you look at the '015 patent before today?

A. I have.

Q. Did you see who the inventor is?

A. I did.

Q. And who is that?

A. Craig Yehle.

Q. So you didn't know he was with Ravin?

A. I didn't know where he currently works.

Q. Oh, okay. But you knew he was with Ravin at some time?

A. Yes.

Q. Okay. Have you ever met a man named Karl Schwappach?

A. No.

Q. Okay. Did you know anyone of Ravin's counsel before Ravin hired you to be an expert?

A. No.

Q. Are you related to anyone at Ravin in any way?

A. No.
Q. Are you related to anyone of Ravin's counsel in any way?
A. No.
Q. Are you related to anyone who used to be with Ravin, as far as you know, in any way?
A. I'm not.
Q. Okay. Before Ravin hired you for this proceeding, did Ravin ever hire you before for anything else?
A. No.
Q. Has Ravin ever given you anything for free?
A. No.
Q. Has Ravin ever given you a discount on anything?
A. No.
Q. Has Ravin ever given you anything in exchange for something?
A. No.
Q. So you've spent time on this proceeding; correct?
A. Could you repeat that?
Q. You have spent time on this proceeding; correct?

A. Yes.
Q. Okay.
A. Yeah.
Q. Do you have a written agreement with Ravin as far as this proceeding is concerned?
A. I have a nondisclosure agreement.
Q. Do you have an agreement that they'll pay you $500 per hour to do a certain service?
A. Yes, I do.
Q. And who is that agreement with?
A. I believe it's with Ravin, but it's facilitated through the attorneys.
Q. Do you know who the parties to the agreement are?
A. I'd have to refresh the agreement.
Q. Do you know the name of the agreement?
A. I believe it's a nondisclosure agreement.
Q. Okay. As far as you know, it's only a nondisclosure agreement.
Do you know what it covers?
A. I would have to review that again. No, I do not.
Q. Do you have a copy of that yourself?
A. I'm sure I do, yes.
Q. Okay. Who do you send your bills to?

A. I send them to the law firm.
Q. And by "the law firm," you mean Ms. Jelenchick?
A. Yes.
Q. And she's here representing you today; is that correct?
A. I don't believe she's representing me. I mean, I'm supporting the counsel. I don't...
Q. So are you being represented by a lawyer as you sit here today?
A. I am not.
Q. Okay.
MS. JELENCHICK: I'm here on behalf of patent owner.
MR. SKERIOTIS: Thank you.
Q. Have you spoken to Ms. Jelenchick or any other lawyer before today?
A. Yes.
Q. How many times?
A. Probably five.
Q. And who did you speak with?
A. I spoke with Kadie and Sarah.
Q. Sarah...
A. I don't know Sarah's last name offhand.
Q. Is she a lawyer at Ms. Jelenchick's firm?

A. Yes. She's one of the associates.
Q. Okay. So take me through the first time you spoke. How long ago was that?
A. Probably the summertime of '23.
Q. And tell me how that started.
A. They inquired about potentially being involved in the litigation.
Q. Did they tell you how they got a hold of you?
A. I can't recall specifically.
Q. Do you have any idea how they found you?
A. I'm sure they did research, because I publicize articles about crossbow testing, which is publicly available to everyone.
Q. But you don't know?
A. Not a hundred percent. That would be the most likely cause.
Q. Okay. And during that first time, what did you guys discuss?
A. They gave me a brief introduction of the happenings between the companies, from the litigation standpoint, and inquired if I had ever been a witness before. So asking me specifically if I would be interested in contributing and reviewing some of the documentation.

And so I paused, and I didn't review any documentation for some period of time, and then I decided, you know, I would potentially support them.

Q. So did they tell you what they wanted you to do for them in this first conversation?

MS. JELENCHICK: Objection. Form.

A. Not specifically.

Q. Did they ask you what type of service they were looking to hire you for?

A. Yeah, they wanted me to review documentation related to the patents and the patents in question.

Q. Just review them, that's all?

A. At that point in time, that was all we had discussed.

Q. And about what is the time frame we're talking about?

A. I still want to say it was July. They may have contacted me prior to that, but I'm pretty sure it was July of '23. And then somewhere along that timeline was --

Q. Okay. And so what did you review -- I assume you reviewed something after that.

Was that a phone call?

A. Yeah, we had a phone call.

Q. Did you review anything after that phone call?
A. Not that I can recall specifically.
Q. So what did you do after that phone call?
A. I didn't do anything. I wasn't sure I was going to participate.
Q. Okay. And so just take me chronologically through what happened after that.
A. I think they had contacted me again and asked if I would consider, and I said that I would consider.
Q. Consider what?
A. Participating as an expert witness.
Q. To do what?
A. To review the patents and documents that they were going to provide me, if I was interested in participating.
Q. Had they ever told you what that participation encountered, other than reviewing documents?
A. And being an expert witness and potentially, depending on the status of the case, if it went to court, being a participant in any court proceedings, et cetera.
Q. Did they tell you what they wanted your

opinion to state, what position they wanted you to take?

MS. JELENCHICK: Objection. Form.

A. No.

Q. They just said review these documents and tell us what you think. Is that fair?

A. Not necessarily. In the sense that I would review the documents, with the understanding that there was going to be some expert witness testimony that I would have to review as well from opposing counsel, and evaluate that, in concert with the documentation that was being prescribed and evaluated by the parties.

Q. And you said that was sometime in July, and that was a phone conversation; correct?

A. Yes, somewhere in that time.

Q. July of 2022?

A. '23.

Q. 2023. Okay.

So when was the next call with Ms. Jelenchick or Sarah?

A. I don't remember some of the specific timelines beyond that.

Q. Okay. What's the next call and who is it with?

A. I had met with Kadie and Sarah several times just -- so I received the information, and they gave me timelines to look at certain things.

Q. And was this on a phone call, video conference, in person?

A. We did phone, but some video conference, some email communication.

Q. Okay. And you have copies of those emails?

A. Yes.

Q. Okay. And what time frame is this?

A. Sometime after July.

Q. If you had those emails, you would be able to give me a better time frame, more specific; correct?

A. I can give you a chronological of everything. I just don't remember offhand.

Q. Okay. So take me through the second conversation. What did they ask you to do and what did you agree to do?

MS. JELENCHICK: Objection. Form.

Q. Did they ask you to do anything in the second conversation?

A. I don't remember offhand.

Q. Okay. Well, keep going with the

chronology. Give me a date, and then tell me what happened.

A. I don't want to be inaccurate with the dates because --

Q. I understand.

A. I just remember it was summertime and I remember working on my declaration.

Q. Okay. Well, how did it come to be that your declaration started? In other words, when did you -- did you tell them what your opinion was going to be prior to them hiring you?

A. No. No. No. I wanted to review the documentation first so I could give an objective review of what I thought was reasonable based on the patents, references, any of the documentation that I had in front of me.

Q. So at what point did they hire you?

A. I'd have to look at that agreement again. I don't remember offhand.

Q. Sometime after summer?

A. I think it was sometime around the summer.

Q. Okay. So take me through how the agreement gets executed. Who sends it to you?

A. Kadie sent me the agreement.

Q. Okay. And at this point in time, before

she sends you the agreement, have you told her what your opinion on the case is going to be?

A. No.

Q. So at this point she hires you is your testimony, and she has no idea what your opinion is going to be?

A. Correct.

Q. Is that your statement?

A. Yep.

Q. You don't find that a little odd, Mr. Teater, that somebody is going to hire you before they know what your opinion is going to be? I mean, it could have very well been you just agreed with TenPoint; correct?

MS. JELENCHICK: Objection. Form.

A. It depends on the circumstances. I don't --

Q. Well, you have two choices; correct? You either have a choice of you agree that the patents are valid in light of the prior art; correct?

A. Correct.

MS. JELENCHICK: Objection. Form. Scope.

Q. Or the second position is you don't agree with TenPoint's position, and the patents are not valid; correct?

MS. JELENCHICK: Objection. Form. Scope.

A. Can you repeat the question?

Q. Sure. It wasn't a very good question, I agree.

There are two positions at this time you could take before you were -- after you're hired by Ravin.

Are you with me?

A. (The witness indicates nonverbally.)

Q. You're either going to agree with Ravin, that the patents are -- the patent is valid; correct?

MS. JELENCHICK: Objection. Form.

Q. That's one position it could be; correct?

A. Yes.

Q. And then the other position is you could determine that you believe, as an expert witness, that the patent is invalid; correct?

MS. JELENCHICK: Objection. Form.

A. Correct.

Q. Okay. So at this point they don't know what your opinion is going to be, yet they've hired you; correct?

MS. JELENCHICK: Objection. Form.

MR. SKERIOTIS: What's the objection, Kadie?

MS. JELENCHICK: Mr. Skeriotis, we're here for the cross-examination of Mr. Teater in the IPR.

MR. SKERIOTIS: You said it was the form of the question. What's the form of the question, the objection?

MS. JELENCHICK: You are not talking specifically about the engagement as it relates to the '015 patent.

MR. SKERIOTIS: Yes, I am.

Q. But go ahead. Are we talking about the same thing, the engagement of you for the '015 patent? Is this what we're talking about?

A. We haven't talked about the '015 patent.

Q. But your understanding is you're being hired regarding this IPR -- this inter partes review's review; correct?

A. Correct.

Q. At this point in time, the chronology that we're talking about; right?

A. Correct.

Q. Okay. So I pose to you the same questions. How does Ravin know that you're going to side with Ravin's position on this case, or TenPoint's position on this case, when they've hired you?

MS. JELENCHICK: Objection. Form.

A. I'm not sure what they knew at that point in time. I have no opinion on that.

Q. But you believe that that's reasonable, that a law firm is going to hire you, potentially knowing that you're not going to agree with their position, and you're going to find in favor of TenPoint; correct? You're saying that's reasonable?

A. That could happen.

Q. Okay. And that was the way you were going to go about it? Potentially they were going to hire you, pay you $500 an hour, only to find out that you did not agree with their position; is that correct?

A. That's correct.

Q. Okay. And you think that's -- you do realize you are under oath, Mr. Teater? You have to tell the truth.

A. I am telling the truth.

Q. You agree that doesn't sound very --

A. That's their prerogative. If they want to hire me to review something, and my opinion is I don't agree with counsel, then that's the reality of it. I came into this as objective -- my goal is to be objective.

Q. Okay. That's your testimony, that's fine.

How much time have you spent on this

proceeding?

A. I would say approximately 40 hours.

Q. 40 hours.

And at what point in time does Ravin know your position in this proceeding?

A. I don't know specific dates.

Q. When was your declaration executed?

A. I think October.

Q. October of '23; correct?

A. Yeah.

Q. How soon in advance did they know your position in this matter?

A. Prior to. I don't have a specific timeline.

Q. 30 days?

A. Again, I don't have specifics. I don't remember specifics.

Q. Well, we know it's sometime between July, when they first talked to you, and October; correct?

A. Yeah.

Q. All right. Can we narrow it down from there?

A. Yeah, I don't remember specifics.

Q. August? I understand you don't remember specifics. I'm trying to get you a little closer

because I think we can do better than July to August.

A. Yeah.

Q. Or October. Sorry.

A. Somewhere in that quarter of time. I would say closer to October.

Q. When was the first draft of your declaration done?

A. I would say end of September, early October.

Q. And who drafted that first draft of your declaration?

A. I did.

MS. JELENCHICK: Objection. Form.

Q. And who did you send -- so you completed a first draft; correct?

A. Correct.

Q. And you sent that to who?

A. Sarah and Kadie.

Q. Okay. And then what happened after that?

A. We reviewed some of the documentation, and then Sarah came out to meet with me.

Q. And she came out where to meet with you?

A. She came to my house.

Q. And you live in, again, Tully?

A. Tully.

Q. Okay. And about how much time did she spend with you in Tully?
A. I would say we spent eight hours together reviewing the document.
Q. Okay. And can you tell me what she did while she was there?
A. Yeah, we went through the patents, and reviewed some of the claims, and, you know, went back and forth on some of the specifics. And I explained to her my position on things, as we worked -- and I drafted through some of the arguments, or positions, et cetera.
Q. And did she give you any feedback?
A. Other than trying to be clear, not really. You know, we conversed about some specifics, but no.
Q. Okay. So she sat with you for eight hours, and she didn't offer one opinion?
MS. JELENCHICK: Objection to form.
Q. Is that your position?
A. She had opinions on remarks that I made, but that didn't -- that was not part of the documentation that's here.
Q. Okay. How much of this declaration that's drafted came from your input?
MS. JELENCHICK: Objection. Form.

A. I'm not going to answer that.
Q. I'm sorry. You are going to answer that. I mean, what do you mean you're not going to?
A. Well, I mean --
Q. You have to answer.
A. I don't have a percentage necessarily.
Q. Okay. I'm just asking for your -- as best you can sit here --
A. 95 percent.
Q. So 95 percent of this declaration is what you drafted; is that correct?
A. Minus the illustrations.
Q. Minus the illustrations. Okay.
Who drafted the illustrations?
A. Their counsel.
Q. Counsel.
Do you know who?
A. No.
Q. Okay. Other than counsel and yourself, did anyone else draft the declaration?
A. No.
Q. So no one at Ravin helped you draft the declaration; is that correct?
A. Correct.
Q. And you signed your declaration; correct?

A. I did.
Q. And when you signed your declaration, you read over every single patent that you mentioned in the declaration. Is that fair?
A. Yes.
Q. Did you agree with everything that's in your declaration?
A. I did.
Q. Are there any revisions you wanted to make to your declaration but you didn't?
A. No.
Q. Was there any additional information you wanted to add to your declaration but you did not?
A. I have not.
Q. When was the last time you read your declaration?
A. Yesterday.
Q. Did you read the whole thing?
A. I did.
Q. Is it fair to say, then, you're familiar with your declaration as you sit here today?
A. Yes.
Q. Did you conduct any research on me?
A. No.
Q. Did you prepare for your deposition today?

A. I did.
Q. All right. Tell me everything you did to prepare for today.
A. Well, this week, each day, I kind of looked at each patent, and I went through each individual patent. And then after that I went through the declaration and read through some of the elements of the patents, in concert with the declaration. That was my preparation.
Q. Okay. Did anyone tell you anything about me before you came today?
A. No.
Q. Nobody told you I held a Bachelor of Science degree in mechanical engineering?
A. No.
Q. Nobody told you I had been around crossbows for 25 years?
A. (The witness indicates nonverbally.)
Q. Is that a "no"?
A. No.
Q. Okay. And you and I have never met before today; correct?
A. Correct.
Q. Okay. And you've heard of the term "person of ordinary skill in the art"; correct?

A. Yes.
Q. We're going to call that, the shorten version today, a "POSA," P-O-S-A.
A. Okay.
Q. Is that fair?
A. That's fair.
Q. If you don't know what I mean when I say that later on, just let me know.
Did you meet with your lawyers -- strike that.
Did you meet with Ms. Jelenchick, or anyone before your deposition here today --
A. Yes.
Q. -- to prepare?
A. Yes.
Q. Okay. When was that?
A. I met with Kadie over the phone yesterday.
Q. Okay. What did you guys talk about?
A. Just talked about the proceedings, how long this will take, documentation I need to bring with me, that I can take breaks during the day if I need to. That's all.
Q. Okay. You are here today, though, as an expert; correct?
A. Yes.

Q. An expert in what?
A. I'm an expert in -- based on the P-O-S-A. What do you --
Q. "POSA"?
A. "POSA"?
Q. Yes.
A. POSA.
Q. Well, without referring to your document, just curious, you should know -- I mean, what are you here as an expert here today in?
A. I'm an expert in reviewing functionality and crossbow design and development.
Q. So slow down. Reviewing --
A. Crossbow functionality.
Q. Crossbow functionality.
What else?
A. Design.
Q. Design of crossbows?
A. Yep.
Q. Okay.
A. And development.
Q. And development of crossbows; correct?
A. Correct.
Q. Anything else?
A. That's all I can think of.

Q. Okay. Would you consider yourself an expert in testing crossbows?
A. Yes.
Q. Would you consider yourself an expert in crossbow design?
A. No.
Q. Okay. Well, when you said design of crossbows, what did you mean?
A. Not all aspects of crossbows. I've looked at many elements of crossbows. There's many features of them. There's human factors, engineering. There's a lot of aspects of crossbow design that I'm not familiar with.
Q. Such as...
A. Some of the stock design development I'm not familiar with.
Q. Okay. Anything else?
A. No.
Q. Just stock design?
A. Stock design.
Q. Everything else you feel you are a design expert in crossbows; is that correct?
A. Yes.
Q. Okay. Would you consider yourself an expert in the manufacturing of a crossbow?

A. No.
Q. Would you consider yourself an expert in the assembly of a crossbow?
A. On certain models, yeah.
Q. What do you mean by "certain models"?
A. I've taken a lot of these crossbows apart and reassembled them. So, yeah, I would know how to assemble and disassemble a crossbow.
Q. So that makes you an expert in certain models?
A. Sure.
Q. Because you've taken some apart and put them back together?
A. Absolutely.
Q. So you think, if I took one apart and put it back together, that would make me an expert in the assembly of that one crossbow?
A. Not necessarily.
Q. Okay. Explain.
A. You need to know the functionality of it before you can reassemble it.
Q. So if I knew the functionality of it, and I took it apart and put it back together, then I would be an expert in assembly of crossbows?
A. If you're part of the design process and

you understood the standard operating procedures to compile, design, develop, and then assemble it, yes, you would be considered an expert.

Q. So you're saying I need all those other things in order to be an expert in assembling a crossbow. Is that fair?

A. Yes.

Q. Okay. What qualifies you as an expert in crossbow design?

A. I've been responsible, with some companies, providing independent advice on design features of a crossbow specifically.

Q. Say that one more time.

A. I have supported companies in the process of developing and instituting changes to their design process and specifics in crossbow features.

Q. What do you mean by "supported companies"?

A. Various companies in the industry.

Q. What do you mean by "support"?

A. Provided design advice and guidance.

Q. Provided design advice and guidance.

And who did you do that for?

A. I'm not at liberty to say.

Q. And why is that?

A. Because I have nondisclosure agreements

with those companies.

Q. Okay. Are you still providing them with design and guidance?

A. No.

Q. Have those NDAs expired, to your knowledge?

A. I'm not aware at this point.

Q. How long ago was that?

A. Seven, eight years ago. Ten years ago. Somewhere in that time frame.

Q. It wasn't TenPoint; correct?

A. I have not helped TenPoint with their design.

Q. And it wasn't Ravin; correct?

A. I did not help Ravin with their design.

I did do some independent testing for TenPoint.

Q. It wasn't for TenPoint. You did that on your own, if it's independent; correct?

A. No. TenPoint would send me products that were not publicized to do research and development and support for them from time to time.

Q. Who would send that to you?

A. Bednar did.

Q. Are you sure about that?

A. A hundred percent.
Q. Okay.
A. But I wasn't paid for that.
Q. Anything else that you can tell me that qualifies you as an expert in crossbow design?
A. No.
Q. Okay. And you said you are not an expert in crossbow manufacturing, so we'll skip that.
We already went through crossbow assembly.
How about crossbow testing? Tell me why you're an expert at crossbow testing.
A. I started crossbow testing in 2009, so I've tested many, to most, maybe, you know, 80 percent of the companies out there that produce crossbows. So I did testing them, with every single company, for -- since 2009 to probably 2021, I independently reviewed their products and provided feedback, then publicized some of the performance information online, which, you know, was available to anybody in the country. So, in that process, I evaluated a lot of different products.
Q. And you did that independently; is that correct?
A. Correct.
Q. All right. We'll get to some of that in a minute. I want to go back to a little bit of design.

Tell me the design work you did for these crossbow companies. What kind of design work did you do for them? Specific details, what did you design?

A. There was a company that I provided cam guidance on and limb configuration on.

Q. When you say "cam guidance," what do you mean?

A. Enhanced cam and development specifically to promote quieting the crossbow.

Q. So to make the cam less noisy or the whole crossbow less noisy?

A. Portions of the crossbow, but enlarge the entire crossbow industry based on some recommendations.

Q. And you won't tell me who that's for; correct?

A. I will not.

Q. Okay. Will you tell me what you did for the cam, what you came up with?

A. No, I won't.

Q. Okay. Just so you know, your counsel -- or I'm sorry -- Ravin will not be able to rely upon that since you're --

A. That's fine.

Q. -- telling me it's part of the NDA.

A. That's fine.
Q. Okay. So are there any specifics you're going to offer me with respect to designing a crossbow that makes you an expert, or are you going to state you can't because of the NDA, which I understand?
A. I don't have anything else to say about that.
Q. Okay. Can we talk about the limb configuration at all, or not?
A. I think, based on the agreement, I can't expose that.
Q. Okay. Can you tell me if any of your designs were adopted by any of the companies that you did this design work for?
A. Yes. I believe the one company did include part of the suggestion into their design.
Q. For the cam or limb?
A. The limb.
Q. The limb. Okay.
When do you believe you became an expert in crossbows?
A. Well, I started testing compound bows in 2006, and through that lineage, I developed some understanding, and then eventually developed a good -- we followed certain guidelines for testing, if they're

ASTM standards or -- there were ATA standards at that point in time for testing compound bows.

In '09, I developed testing guidelines for crossbows specifically. It's publicly available as well. At that point in time, my process in testing crossbows, I believe, gave me that expert status. So in 2009, I developed those detailed standards that gave me a foundation of evaluation to test.

Q. So it's because of developing the standards that you believe qualified you as an expert in crossbows. Is that fair?

A. In testing crossbows, I would say the standards, in concert with the equipment, and the expertise of evaluating and level loading the playing field so I could fairly evaluate each crossbow, one against the other, in like a standard format.

So it's a combination of testing guidelines, ASTM standards and procedures, and then beyond that, specifically the nuances of evaluating crossbows.

Q. So if I heard you right, it was the testing of crossbows?

A. Check.

Q. The equipment used in testing the crossbows?

A. (The witness indicates nonverbally.)
Q. Knowledge of ASTM standards?
A. (The witness indicates nonverbally.)
Q. And the nuances of evaluating crossbows that made you an expert at crossbows?
A. Crossbow testing.
Q. Crossbow testing?
A. Yeah.
Q. Okay. Compound bows, did that help you become an expert -- the knowledge of compound bows, did that help you become an expert in crossbows?
A. It certainly helped.
Q. It certainly helped?
A. It certainly helped.
Q. So, I guess, I should need to be specific.
So you're an expert you believe in crossbow testing, crossbow assembly, and crossbow design; correct?
A. Uh-huh.
Q. Is that a "yes"?
A. Yes.
Q. Okay. So it's not your opinion, correct, that anyone who tests crossbows is automatically an expert in crossbows -- crossbow testing. Would that be fair?

A. Could you --
Q. Yeah. If I test one crossbow, that doesn't automatically make me an expert in crossbow testing, does it?
A. No.
Q. Okay. How many crossbows, in your opinion, would I have to test before I became an expert at crossbow testing?
A. Well, it's not necessarily the volume of crossbows per se. It's more of the intricacies in developing test standards and applying those standards to an object or, in this case, the crossbow and the methodology, in concert with understanding the functionality of the crossbow, since they all function differently.
So I would say, in order to even test, you would have to be an expert at least in the field of evaluating things with -- I mean, there's statistics, aspects of this, standard deviation, understanding the aspects of testing, beyond just the testing.
Q. So you're saying no number specific of crossbows I test would necessarily make me an expert in crossbow testing. Is that fair?
A. That's fair.
Q. Okay. I would need something else?

A. Yes.
Q. Okay. You mentioned being a POSA earlier. You believe you are a person of ordinary skill in the art as far as this proceeding is concerned; correct?
A. I do.
Q. For today, do you know of any difference -- if I say you're an expert versus a POSA, would you like to delineate between that, or is it okay if I use those two terms interchangeably?
A. I would argue I'm an expert. But for this proceeding, I'm fine with either/or.
Q. Okay. So today we'll agree that they both sort of mean the same thing. Is that fair?
MS. JELENCHICK: Objection to form.
A. Not necessarily.
Q. Okay. So you know the difference between an expert and a POSA. Is that fair?
A. (The witness indicates nonverbally.)
Q. What is -- I'm sorry. Is that fair?
A. Yes.
Q. Is there a difference -- so tell me the difference between being a POSA and an expert.
A. So a POSA, I believe, would have -- as stated in the calculation that I made, would have some basic familiarity with crossbows, crossbow testing,

those type of aspects. They may or may not have a bachelor's degree, but they have the field experience and capability to evaluate aspects of crossbows.

A technical expert has actual experience, in-depth experience evaluating product, specifically crossbows, and the depth of their understanding is far greater than a POSA.

Q. Okay. So we'll stick with POSA for today, then. Is that fair?

A. For matters of discussion, that's fine with me.

Q. Okay. Let's talk about your education.

You have a BS in business and management information systems from Le Moyne College in 2004; correct?

A. Correct.

Q. Was that an online degree program or in-person?

A. In-person.

Q. I don't think an online was around back then, was it?

A. (The witness indicates nonverbally.)

Q. Would you agree, to cut to the chase, that nothing you learned in obtaining and studying for your BS in business and management information systems from

Le Moyne was related or relevant to crossbows?

MS. JELENCHICK: Objection. Form.

A. I'm not going to respond to that.

Q. You have to answer the question, Mr. Teater.

A. There are classes that I took, in respect to statistical analysis and data acquisition, that 100 percent allowed me to be capable in evaluating numbers. Specifically numbers, testing, those type of aspects.

Q. Outside of that, anything else that you believe would have aided you to being a POSA for today's proceeding?

A. From an educational standpoint?

Q. Correct.

A. I have taken some classes in training.

Q. No. I'm sorry. Just as far as the BS -- here. Let me start --

A. Okay.

Q. We're just talking about your BS in business and management information systems. Only for that, you identified some classes in statistical analysis and data acquisition. Anything else that would lend itself to you being a POSA in this proceeding?

A. Not through education. I think that's...
Q. Okay. How about your master's in law at Champlain College? I take it that was an in-person degree as well.
A. No. That was actually online.
Q. That was online. Okay.
Would you agree that nothing you learned in obtaining and studying for that master's in law degree was related to crossbows?
A. There was a lot in that -- particularly product liability, we evaluated products evaluating -- there were some aspects of that degree that had some framework for me to understand -- some aspects of business, maybe not necessarily testing so to speak, but interacting with companies, and then at the same point...
Q. But not specifically related to crossbows; correct?
A. Not specifically to crossbows.
Q. Okay. And neither degree had any engineering courses; correct?
A. Computer science. There's a computer science element of -- which is arguably engineering. Some of the computer science classes that I took were engineering based, I guess.

Q. Okay. And what were those?
A. MIS is computer science. So that would be code writing, those type of things.
Q. Okay. No mechanical engineering classes, though; correct?
A. No.
Q. And no chemical engineering classes; correct?
A. Correct.
Q. Would you agree that crossbow technology itself is mostly mechanical engineering principles?
A. Yes.
Q. So just to put on the record, you did not have a course in statics; correct?
A. No, but I read a book on statics.
Q. But you did not have a course in dynamics; correct?
A. Correct.
Q. And you have never had a course in heat transfer; correct?
A. Correct.
Q. You've never had a course in thermodynamics; correct?
A. No, but I've read books about all of those.

Q. But you've never had a course that you've taken for fluid mechanics; correct?
A. Correct.
Q. And you've never had a course in kinematics of machines, for example; correct?
A. Correct.
Q. And you've never taken a course in vibrations; correct?
A. Correct.
Q. Okay. Have you taken any metrology classes? Do you know what that is?
A. I don't.
Q. The study of measurement.
A. Okay.
Q. So you have not taken a course in metrology; correct?
A. I have not.
Q. Okay. Would you agree with me that if a person only had your educational experience, that's the BS degree and the master's in law degree, that that would not qualify them as a person of ordinary skill in the art as far as this proceeding is concerned?
A. If they only had that?
Q. That's correct.

A. It's hard for me to say that because I don't know what that degree comprises in another world, meaning another university or educational institute.

Q. No. No. We're talking about the two degrees that you have specifically.

A. My own personal --

Q. Correct.

A. I believe there's a foundation for testing that's built into the bachelor's degree that I achieved.

Q. Let's go back to the question, though.

You agree that if someone only had your educational experience and nothing else, that that person would not be a person of ordinary skill in the art as far as this proceeding goes?

A. I would agree with that.

Q. Okay. Are you familiar with the term "kinetic energy"?

A. I am.

Q. What are the units of measurement for kinetic energy?

A. Mass and velocity.

Q. How about metric?

A. No.

Q. You don't know?
A. No.
Q. How about energy? Are you familiar with "energy," the term?
A. Yeah.
Q. Okay. What are the units of energy?
A. Newtons would be one.
Q. Anything else?
A. Not offhand.
Q. How do you measure energy?
A. Through instrumentation.
Q. Had you ever measured the energy of a crossbow?
A. Yes. Chronographs.
Q. Okay. How did you do that?
A. With a chronograph.
Q. Okay. Take me through how you measure energy of a crossbow.
A. So I have a holding device that has an integrated yoke, which pulls the string back and takes force draw curve measurements, and so that allows me to measure energy stored.
Q. The device actually does the force energy curve. Is that what you said?
A. I had a device that did that for compound

bows. For crossbows, it was manual.

Q. So take me how you did that manually.

A. So manually, what I would do is I would have a measurement tool.

Q. What's the tool?

A. A ruler in inches. And I would measure incrementally steps along the interval, and I would take multiple measurements like that statistically. I had a force gauge, and in that force gauge I had readings, a recorder. It's all calibrated.

Q. What's the force gauge attached to?

A. A winch system.

Q. What on the crossbow?

A. Like a yoke system with clips, basically.

Q. And what is that yoke system attached to?

A. Interface tool between that and the force gauge. So that would attach to the string, which would attach to the force gauge, which would attach to the instrumentation.

Q. Okay. Keep going.

A. So then I would take measurements incrementally in the steps, and then I would record those and specifically look at the deviation over time.

Q. And that would give you a measured energy?

A. Stored energy.
Q. Stored energy. Okay.
Is that all you did?
A. No.
Q. What else did you do?
A. We would fire the crossbow, and we would look at the energy output.
Q. How would you do that?
A. Multiple chronographs set up in tandem. Essentially various arrow weights to look at. You know, statistical changes based on throughput.
Q. Okay. Have you heard of the term "momentum"?
A. Yes.
Q. What are the units of measurement of momentum?
A. Oh, I forget what the units are offhand.
Q. You've heard of "degrees of freedom"?
A. Yes.
Q. Okay. How do you measure degrees of freedom?
A. From a static point, measuring degrees of change.
Q. Have you ever heard of "dynamic efficiency"?

A. Yes.
Q. And how do you measure dynamic efficiency?
A. Energy in verse energy out, essentially.
Q. Do limbs have a compressive or tensile stress when they're cocked?
MS. JELENCHICK: Objection. Form.
Q. Do you know?
A. It could be a combination of both.
Q. So it could be, but what's your position when a crossbow is cocked? Do the limbs have a compressive or tensile stress when they're cocked?
A. It's both.
Q. It is both?
A. (The witness indicates nonverbally.)
Q. Okay. And how do you measure that, or do you measure that?
A. You can measure it with string gauges. I don't measure it in my testing.
Q. Do you know why companies use cams instead of just pulleys or rollers that are round?
MS. JELENCHICK: Objection. Form.
MR. SKERIOTIS: I'm asking if he knows.
A. I do.
Q. Okay. Why do they do that?
A. I don't know why a company does what they

do.

Q. Oh, so you don't know why a crossbow company would use a cam instead of just a pulley or a roller. Is that your testimony?

A. It depends on their design philosophy.

Q. Well, what are the advantages of using a cam or disadvantages of using a cam over a pulley?

A. In some cases, there's more mechanical advantage.

Q. And how so? With what, I should ask? I'm sorry. Cam or a pulley?

A. So references to cam or pulley can be the same thing, depending on the terminology.

Q. Okay. I'm sorry. Fair enough. Let's start over.

A cam is -- well, why don't you tell me what a cam is first. Your understanding of a cam.

A. A cam is essentially a pulley system --

Q. I'm not talking about the system. I'm just talking about the part, a cam.

A. It could be an oval, it could be a circular device, essentially pulling a string. That's normally what the purpose of the cam is.

Q. When you say "circular," do you mean round?

A. It could be round.
Q. With a consistent diameter?
A. It could be consistent. It could be inconsistent.
Q. Well, I understand. I just want to make sure I'm hearing you right. You believe a cam in crossbow terminology could be referred to as something completely round?
A. Yes.
Q. Okay. And so what about a pulley? The same thing?
A. A pulley is normally round.
Q. Okay. Can it be eccentric?
A. It can be.
Q. How about a roller?
A. Depending on where the axle is, normally it is eccentric. It could be concentric. I mean, it depends.
Q. Okay. So I'll make sure I delineate between a cam and a round pulley.
When I talk about a cam today, I don't mean anything round.
A. That's fine.
Q. Have you ever heard of "let-off"?
A. Yeah.

Q. What is let-off?

A. Let-off would be the degree of change from the climatic point of the draw curve to a holding point some distance away from the static position.

Q. And why would someone want let-off, if they did?

A. Probably holding weight at a certain point interval of the draw cycle.

Q. Let's talk about you being an outdoor writer.

You did that from 2007 to 2021; correct?

A. Yes.

Q. And how did you get this job? I assume it was a job.

A. Yeah, I had done some testing on sights for 15 or 20 manufacturers. I had come up with a test regime for sights. And I did shock and vibe testing, and came up with some measurement equations for functionality.

And I publicized that. And then a magazine called me, and said, "Hey, we saw this great write-up you had done." And I had a few people with me that were doing that, so I had a partner that was involved with me, and we developed some testing around sights.

Q. When you say "sights," can you explain what you mean by that?

A. Like a sight on a bow. Like a compound bow sight.

Q. So you're testing the sights to be accurate, when someone would look through the sight, in order to fire the crossbow?

A. So we measured -- so the impact of vibration on the sight. So you had to measure torsion effect on each bolt, and measuring the functionality, how much it moved and changed, measuring the fiber optic illumination. It's called radiance.

Q. And was that for a crossbow or a compound bow?

A. That was for a compound bow.

Q. Compound bow. Okay.

Okay. Keep going.

A. And from that, Arrow Trade Magazine asked if myself and another gentleman would do some testing, and they asked us if we would do testing on bows. And from there, we started testing bows, compound bows.

Q. Okay. And approximately how many compound bows did you test?

A. I don't know. From that point to 2009, maybe 30 a year. 15 to 30 a year. Somewhere in that

range. Let's say 20 on average.

Q. And that was from when to when?

A. So, like, 2007 to 2009.

Q. Okay. And then what happened after that? That was -- well, I'm sorry. That was for Arrow Trade; correct?

A. Yes.

Q. Were you being paid to do that?

A. Yes.

Q. By Arrow Trade?

A. Yes.

Q. Okay. What happened after that?

A. I stopped testing compound bows because I wanted to get into crossbows because I saw that there was a market opportunity to test those because it was starting to evolve at that point in time.

So I developed the testing guidelines, basically standards, and I publicized those. There was a committee that was trying to develop testing standards for crossbows at that time. I was on the committee.

They dissolved, I'm not sure exactly why, but regardless from that point in time, 2009 to '20 or '21, I had tested crossbows essentially. And I would average anywhere between, you know, six to ten a year,

something like that.

Q. Again, give me the date for the testing of crossbows?

A. I would say 2009 to 2021.

Q. Why did you stop?

A. Well, that magazine company got bought out by somebody else, and he stopped paying us.

Q. And how much were you getting paid to evaluate, if I could, each crossbow generally speaking?

A. I'm going to say anywhere between 5 to $700.

Q. Did you ever test -- strike that.

How did you decide which crossbows to evaluate?

A. So I would reach out to the individual companies and ask them if they were interested in participating. In some cases, those companies would respond back yay or nay. And in that, I would get a schedule together for the year.

Q. So what brands of crossbows have you reviewed?

A. TenPoint, at the time Stryker, Wicked Ridge, Excalibur. There was another company in Canada. I can't think of the name. Most of the

companies that were in the industry that were producing crossbows at the time that I tested. Yeah, that's -- I'm sure there's more on that list, but I can't remember.

Q. Did any of these manufacturers, or these crossbows brands, I should say, pay you to have you review their crossbows?

A. No.

Q. Did you ever evaluate a Ravin crossbow?

A. I never did.

Q. Why not?

A. Because I couldn't -- because the acute angle of the string in that design didn't allow me to attach to the string fairly, and so I was worried about being able to accurately take data. It also had an interfacing piece that was a clip that hooked onto the string, and that would just be an interfering piece. So I would have to take that out.

So, in reality, it wasn't -- at that time it wasn't like an individual cocking device, like a traditional crossbow. It had integrated machinery into it, so, you know, it would be cranked. So if there was a really acute string angle, it would be too dangerous to clip on to something like that with the devices that I had. Like a sled, essentially.

Q. Would it be fair to say you didn't have the equipment to test that accurately?

A. I could have developed a piece of equipment to test it, but it was not worth a test like that. It was not worth spending money to test something at that point on my end.

Q. So at that time you did not have the equipment available to test that?

A. Correct.

Q. And that was a primary driver?

A. For that example, correct.

Q. Okay. Did someone teach you how to test crossbows?

A. No.

Q. How did you learn?

A. I did get advice from some of the crossbow manufacturers of how they do an in-house testing, and so I used that as somewhat of a foundation. So before I came up with the standards and guidelines, that year I researched crossbow testing in-house. So, you know, contacting companies that are in the industry that have that experience.

Q. When you evaluate a crossbow, do you perform all the tests yourself?

A. Yes.

Q. You do the sound test as well?
A. Yeah.
Q. What are the units of measurement for a sound?
A. Decibels.
Q. How do you do the sound test? Do you have a soundproof room?
A. I built a space. I wouldn't say it was a room, but I built a space to evaluate sound, and subjected each crossbow to the same standard. So if there was a reflection quality off something, they all would receive equal, you know, environmental testing conditions.
I switched to doing testing outside, based on some testing that I had done previously, and I found more -- less statistical variation in doing that. And that's not atypical of that type of regime.
Q. Do you do vibration testing?
A. Not with bows -- crossbows, I did not.
Q. Did you ever test the triggers?
A. Yes.
Q. And how did you test the triggers?
A. A string gauge. I had multiple force gauges that would -- I would manually do it, manually pull the trigger as it was loaded, and the crossbow

itself was affixed, so it wouldn't move in any direction. At least very minimally, if it did.

To get the true trigger measurement, you would need to --

Q. What were you measuring as far as trigger goes? Trigger pull?

A. So peak pull, and then I would look at the distance of travel. And I think I was plotting in some instances the distance, the weight over distance, from what I remember. So a combination of those items.

Q. You test efficiency of a crossbow?

A. Yeah.

Q. And what were the units of measurement for efficiency?

A. Foot pounds -- it was in foot pounds. And then I also would do foot pounds per inch of power stroke, which was a way to equilibrate the difference of the power stroke so you could fairly look at one crossbow verse the other. So a combination thereof.

Q. Let's talk about -- I think one of your favorite subjects is developing the standards for crossbows. You seem to like testing and evaluation, and I think you did some publishing in 2009. Is that correct?

A. Yes.
Q. Take me through that. What does all of that mean?
A. Well, ATA had standards for testing compound bows, and so those are publicized and revised with the committee. I had been on a few committee meetings and -- although I wasn't officially on that committee, but I had been in some meetings, the standards themselves were intended to give me a guideline so I could fairly evaluate the crossbows.
And so why I'm slightly boastful about that was no standard has ever been developed for crossbows to date, nor could the committee members agree to a standard guideline because of vested interest and performance numbers.
Q. So when you say "to date," you mean as of today as well?
A. I'm not aware of any standard testing guidelines that have ever been released.
Q. Have you ever heard of the North American Crossbow Federation?
A. I have. It's been a few years, so I could be wrong. Maybe they've come up with some standards that I'm not aware of.
Q. Did you attend any meeting of the NACF?

A. No.
Q. So take me through the standards that you developed for crossbow testing and evaluation.
A. Well, they had certain specific elements of standards. Like you would look at any ASTM standard, and you would do a derivative based on the specific understanding of the product; right? So you would measure what was the standard parameters for measuring sound, minimizing reflective qualities in the environment, those type of things. So you would include some aspects of standards and guidelines.
One specific, as an example, taking measurements from -- which was an issue, taking measurements from the string in either the static position or the pull-draw position in relationship to a chronograph, just giving some guidance around those parameters so there was not a large deviation in parameters around certain aspects of design and testing.
Q. Have your standards ever been adopted by anyone?
A. Not that I'm aware of.
Q. Okay. So these are your own personal standards that you came up with for crossbow testing and evaluation?

A. Correct.
Q. Okay.
A. Yep. And I put them in front of the guidance committee, that committee that I was on, and they did not collectively agree, which was fine. So...
Q. I wasn't aware -- I was on the NACF, and we didn't know of any standards at all. We came up with some standards.
Did you ever do a draw test standard?
A. Not for crossbows we have not.
Q. No, I'm asking if you did.
A. No, I have not.
Q. When you say "we," this is just you that came up with these standards; correct?
A. Correct.
Q. When you said we, you really meant you?
A. Yes. Yes.
Q. Okay. You currently are the owner of Whitetail Landscapes; correct?
A. Yep.
Q. And as I understand it, you work with landowners to try to make their land basically more huntable. Is that fair?
A. Yeah, that's fair.

Q. Okay. And working at Whitetail Landscapes does not have anything to do with crossbows; correct?
A. No, absolutely not.
Q. Just have to make sure.
A. Nope.
Q. And it would not lend itself to reason why you would say it makes you qualified to be a POSA; correct?
A. Correct.
Q. You gave us some publications that you've done, as far as crossbow testing, on your CV; correct?
A. Yeah, I believe so.
Q. Do you know how many are not on the list?
A. Probably a lot. Unfortunately, that magazine defunct essentially. I mean, they're still out there. So those are all in a directory, and the directory had gotten deleted, so I couldn't pick all the ones that I had done.
Q. And you don't have copies of them?
A. Not -- no. No, I don't. Even if I drafted them, they're on my old computer, which I think is defunct now.
Q. Let me turn back to degrees of freedom.
That appears in your declaration; correct?
A. Yes.

Q. How many degrees of freedom can there be at most?

A. 5 or 6. It's 5 or 6 axis degree, potentially. Yeah, I would say that.

Q. Which one? 5 or 6?

A. 5.

Q. What is the definition, as you understand it, of degrees of freedom?

A. The X-Y-Z movement that we've prescribed is, you know, movement from a single point. So that could be in multiple axes or multiple directions.

Q. I want to turn now to just making sure I have your background fully developed. Okay?

A. Yes.

Q. You have not taught any courses related to crossbows; correct?

A. Correct.

Q. You have not taught any courses related to compound bows; correct?

A. Correct.

Q. You have not taught any course, basically at any time, regarding archery; correct?

A. Correct.

Q. And you're not named as an inventor on any US patent; correct?

A. Correct.
Q. And you're not board-certified in anything; correct?
A. Correct.
Q. You're not a professional engineer; correct?
A. Correct.
Q. Have you ever taken any formal classes related to crossbows and compound bows specifically?
A. I have not.
Q. You use the term "strain" in your declaration; correct?
A. Yes.
Q. Prior to this case, were you familiar with the engineering definition of strain?
A. Yes.
Q. Are you familiar with what strain is, then?
A. Yes.
Q. All right. What is it?
A. Strain would be tension applied to a particular object or thing.
Q. What are the units for strain?
A. It could be -- it could be --
Q. Do you know?

A. I'm not sure offhand.
Q. Are you familiar with the difference between engineering strain and natural strain?
A. I am not.
Q. Have you reviewed Dr. Batzer's declaration in this proceeding?
A. Yes, I have.
Q. Have you reviewed Dr. Batzer's CV in this proceeding?
A. I have not.
Q. You haven't reviewed his qualifications; is that correct?
A. No, I have. I have reviewed some of his qualifications.
Q. Okay. In your opinion, is Dr. Batzer a person of ordinary skill in the art?
A. Yes.
Q. Curious, in your opinion, is Dr. Batzer a more qualified person of ordinary skill in the art than yourself?
MS. JELENCHICK: Objection to form.
A. I'm not sure about that.
Q. So that's what I'm asking you.
A. I don't know.
Q. Is he more qualified than you to serve as

a person of ordinary skill in the art in this proceeding?

A. I don't know his experience with these products.

Q. Are you aware that he had -- Dr. Batzer has industry design experience?

A. I am not.

Q. Are you aware that he is a licensed mechanical engineer?

A. I am.

Q. Are you aware that he is a professional engineer?

A. I am.

Q. Are you aware that he has taught engineering coursework at five different universities?

A. I am not.

Q. Are you aware that he's been an inventor on three US patents?

A. I'm not sure if I know that or not.

Q. Are you aware that he has a Bachelor of Science in mechanical engineering?

A. Yes.

Q. Are you aware that he has a Master's of Science degree in manufacturing systems engineering?

A. I did not know that.

Q. Are you aware that he has a PhD in mechanical engineering?
A. I think I am aware of that.
Q. Are you aware that he has evaluated numerous crossbows?
A. Yes.
Q. Are you aware that he's been an expert witness numerous times?
A. Yes.
Q. So with that knowledge, you don't know if he's more qualified than you to serve as a person of ordinary skill in the art in this proceeding?
MS. JELENCHICK: Objection to form.
A. I don't know everything about Mr. Batzer.
Q. No. Assuming everything I just asked you was true about him, would that make him more qualified than you to serve as a person of ordinary skill in the art in this proceeding?
MS. JELENCHICK: Objection. Form.
A. No.
Q. No? Why not?
A. His level of testing and expertise in testing crossbows may not likely be greater than mine and vice-versa.
Q. But he has a PhD in mechanical engineering

and you do not; correct?

A. Correct.

Q. And wouldn't that alone make him more qualified to be a person of ordinary skill in the art in this proceeding than you?

MS. JELENCHICK: Objection. Form.

MR. SKERIOTIS: It's his opinion, Kadie.

A. I can't say for sure.

Q. I just do remind you, Mr. Teater, you are under oath, so someone is going to be evaluating your answers. I'm just trying to get the truth here. This isn't an argumentative session.

A. I don't know Batzer's full experience.

Q. I just gave it to you.

A. That's education.

MS. JELENCHICK: Excuse me. Mr. Skeriotis --

MR. SKERIOTIS: You're not representing -- whoa, whoa, whoa. You're not representing Mr. Teater, so I don't think you can object or state anything. This is between Mr. Teater and I. He has no counsel here.

MS. JELENCHICK: I disagree with that.

MR. SKERIOTIS: Okay.

MS. JELENCHICK: I disagree with that.

You cannot represent that those are Mr. Batzer's credentials when we know, in fact, that certain of the things that you said are untrue.

MR. SKERIOTIS: No. No. I can represent anything to him that I can, and he can tell me I'm wrong.

Q. You have read his curriculum vitae; correct?

MS. JELENCHICK: I suggest you ask Mr. Teater --

MR. SKERIOTIS: Kadie, that is absolutely uncalled for, and you know you can't do that. You are not even here representing him, so you can't even do that. That is highly unprofessional and really beyond the scope of this.

MS. JELENCHICK: I disagree.

Q. Go ahead, Mr. Teater.

A. Can you repeat the question?

Q. Yes. I'm just wanting to know what your position is on whether or not Mr. Batzer is more of a qualified person of ordinary skill in the art in this proceeding than you.

MS. JELENCHICK: Objection. Form.

A. I don't have an opinion on that at this point in time.

Q. All right. Let's assume, for the sake of this argument, okay, that Dr. Batzer is a licensed mechanical engineer, that he's a professional engineer, and that he's taught engineering coursework at five different universities, that he has a Bachelor of Science in mechanical engineering, he has a Master's of Science degree in manufacturing systems engineering, he has a PhD in mechanical engineering, he is evaluated numerous crossbows. Would someone with those qualifications be a more qualified person of ordinary skill in the art than yourself in this proceeding?

MS. JELENCHICK: Objection. From.

A. I would say no, as long as you met the minimum, and I believe that I meet the minimum based on my description.

Q. I'm not asking if it's the minimum. I'm asking if he's better than you to be a POSA as far as this proceeding is concerned.

A. I don't know.

MS. JELENCHICK: Objection. Form.

A. I don't know Mr. Batzer and his full experience.

Q. I just gave it to you, though.

A. You gave me his education.

Q. Correct, and I told you he has evaluated numerous crossbows.
A. I don't know the degree of evaluation that he has done.
Q. Okay. So that's the --
A. Correct.
Q. -- thing you don't know about?
A. I don't know that.
Q. Okay. Have you ever heard the phrase "preponderance of the evidence"?
A. I believe so.
Q. What does that mean to you?
A. I've heard the phrase. I don't know the exact definition.
Q. Are you familiar with the term "prior art" as it applies to patent law?
A. Yes.
Q. And what does that term mean to you?
A. Prior patented technology that has been processed through the PTO.
Q. Does it just have to be processed through the PTO, according to you?
A. Well, processing, and obviously it's publicized as received, based on the prior art review, meaning it's been propagated into a PTO.

Q. Well, a piece of prior art would not necessarily have to go through the PTO to be prior art. Is that fair?
A. Would not go through -- say that again.
Q. Well, if we have a crossbow that predates this technology, it would still be prior art; correct?
A. If it was publicized, yes.
Q. Correct. If it was publicized, sold, manufactured; correct?
A. Yes.
Q. Okay. Are you familiar with the term "novel" as it applies to patent law?
A. Yes.
Q. What does that term mean?
A. Meaning unique, original, unassuming.
Q. Are you familiar with the term "obviousness" as it applies to patent law?
A. Yes.
Q. What does that term mean?
A. I've got to go back to this.
Q. Well, I'm just asking you -- you read your declaration; correct?
A. Yeah.
Q. I'm just asking you, generally speaking, what does the term "obviousness" mean to you? Without

looking -- I haven't introduced that exhibit to you yet. I'm just asking you what you know.

A. Well, obvious --

MS. JELENCHICK: I object to that. This is an exhibit. It's part of the record already.

MR. SKERIOTIS: This is my deposition. He brought this here himself. I'm asking him without the use of the declaration.

Q. I want to know what you know, Mr. Teater. I can ask you to stop looking at that, and we can note for the record you keep turning pages.

I'm asking you, without looking at your declaration, what do you know about what the term "obviousness" means?

A. Obvious means it's been publicized and available and in reference, similar to other technologies that are already out there.

Q. What do you mean by that?

A. Meaning if it's in the light, then it's available. And as a result of the being available, it could be assumed as identical or similar to.

Q. Okay. Is there anything else that you want to add to that?

A. No. I would like to read the definition that I drafted previously.

Q. Right. We'll get to that.
A. Okay.
Q. Okay. You're familiar with the '015 patent?
A. Yeah.
Q. Okay. And you read it before today; correct?
A. Yes.
Q. When is the last time you read it?
A. I read it yesterday.
Q. What was novel in 2013 at the time of filing the application?
MS. JELENCHICK: Objection. Form. Scope.
A. I'm not sure of the question.
Q. Okay. You knew what "novelty" meant; correct?
A. Sure.
Q. What was novel in the '015 patent at the time it was filed?
MS. JELENCHICK: Objection. Form. Scope.
A. There were many aspects of it that were novel, in my opinion.
Q. Okay. So let's go back.
You agree, I guess, sitting here that there was some novelty in the '015 patent once it was

filed; correct?

A. Yes.

Q. Okay. What was that?

MS. JELENCHICK: Objection. Form. Scope.

A. Can I read my declaration?

Q. No. I'm just asking, generally speaking, what was novel from -- you just read it yesterday.

A. Right.

Q. So I'm asking you, from that reading, what was novel.

A. The interrelationships of the cam system, in concert with the moving parts and pieces.

Q. Interrelationship?

A. Of the cam --

Q. Of the cam?

A. -- mounting system.

Q. Cam mounting system.

And you said something else, I believe.

A. And movements of the parts.

Q. Movement of the parts. All right. Let's go through that.

What do you mean by "interrelationship of the cam mounting system"?

A. So the cam system is slaved to one another. There's binary components of that system

that integrate helicals and journals statically in connection with axles that are tied to limbs.

Q. Anything else?

A. Well, there's one other thing. The degrees of rotation are somewhat novel in the sense that it provides you a lot of freedom in that design to extend the power stroke significantly.

Q. Anything else?

A. The concept of the closeness of the cams was quite unique at that time.

Q. Anything else?

A. Most designs up to that point didn't necessarily push the cams to be closer to one another, which I mentioned earlier.

Q. You already said closeness of cams.

A. Right. But in concert with, you know, opposing -- at least in a reverse draw design, an opposing movement of the string and related acute angle, that was pretty extreme at that point in time.

Q. So let's talk about the interrelationship of the cam system.

I think you said integrate helicals and journals statically in connection with axles. Is that fair?

A. Say that again.

Q. Yeah, I'm just trying to repeat what you said. Integrate helicals and journals statically in connection with axles.

A. Yeah, so --

Q. Is that what you said?

A. Well, somewhat.

Q. Okay.

A. So the helical system being integrated into the cam --

Q. So a helical power cable take-up journal; correct?

A. Correct.

Q. Is that what you're talking about?

A. Correct.

Q. And you're saying that did not exist prior to the filing of the '015 patent; is that correct?

A. Not in the design format that this particular system generated. So --

Q. Hang on. Hang on.

MS. JELENCHICK: Let him finish.

MR. SKERIOTIS: Once again, Kadie, you are not representing him.

Q. Go ahead.

MS. JELENCHICK: He is appearing on behalf of the patent owner.

MR. SKERIOTIS: It doesn't matter. You're not representing him.

Q. Go ahead. Did I cut you off?

A. Yeah.

Q. All right. Go ahead. Finish.

A. Why don't you ask your question again so we're clear.

Q. Okay. I just want to take these slowly. That's all I'm trying to do.

A. Yeah, it's all good.

Q. So I want to get your opinion on whether or not a helical power cable take-up journal existed prior to 2013, prior to the filing of the '015 patent.

A. Not in this format.

Q. I didn't ask you that. I asked you whether or not a helical power cable take-up journal was --

A. No.

Q. -- in the prior art prior to the '015 patent?

A. Not in this specific format.

Q. I know. Forget the specific format.

A. Isn't that meaningful?

Q. Not to my question at this point in time. We'll get to that.

A. I'm going to say no, then.
Q. Okay. So you're going to say that there was no such thing known in the crossbow or compound bow industry of a helical power cable take-up journal; is that correct?
MS. JELENCHICK: Objection. Form.
A. I can't answer that question.
Q. Well, I'm going to repeat it again because you have to answer questions, Mr. Teater. That's what you're here for.
A. I don't have an opinion on that at this point.
Q. You have to have an opinion here today. That's what you're here for. You have to answer the questions to the best of your knowledge. If you don't know, you're welcome to say "I just don't know." But go ahead.
MS. JELENCHICK: I disagree with your recitation as to why he's here and what he's obligated to do.
(The reporter read the requested material.)
A. I'm going to say no.
Q. Okay. And there was nothing in the prior art that disclosed, to your knowledge, a degree of rotation of cams greater than 270 degrees prior to the

filing of this '015 application; correct?

MS. JELENCHICK: Objection. Form.

A. There are other designs that have the degrees of freedom.

Q. I didn't say "degrees of freedom."

A. Degrees of rotation.

Q. Correct. Let's get that clear.

A. There are other designs.

Q. So there were other designs prior to the filing of the '015 patent that disclosed cam rotation greater than 270 degrees; correct?

A. Correct.

Q. Okay. And there were other designs, patents even, that disclosed, as you put it, the closeness of cams prior to the filing of the '015 patent application; correct?

MS. JELENCHICK: Objection. Form. Scope.

A. And you're saying -- clarify your question?

Q. Sure. You said another thing that novel was the closeness of cams; correct?

A. Yes.

Q. And I'm saying that closeness of cams, whatever you meant by that, was already disclosed in a prior art in other patents. Is that fair?

A. Not 8 inches.
Q. Are you aware of TenPoint's narrow crossbow patents at all?
MS. JELENCHICK: Objection. Form. Scope.
A. I only have this documentation.
Q. I didn't ask you -- I know. Are you aware --
A. I am not. I am not.
Q. Okay. So you don't know if there was a disclosure out there in any other patent that disclosed cams being 8 inches in the prior art?
MS. JELENCHICK: Objection. Form. Scope.
A. I'm going with the documentation that was presented here -- that I've had available to me.
Q. I know. And I'm asking you beyond that, because you are a person of ordinary skill in the art, so you say; correct?
A. Yes.
Q. So I want to know, based upon your knowledge of the prior art, have you ever seen or disclosed -- anyone disclosed closeness of cams of 8 inches --
MS. JELENCHICK: Objection.
Q. -- prior to the filing of the '015 patent?
MS. JELENCHICK: Objection. Form. Scope.

Mr. Skeriotis, can you tell me where in Mr. Teater's declaration he offered testimony regarding this topic?

Q. Go ahead.

MS. JELENCHICK: No. Please tell me.

MR. SKERIOTIS: No, you're not -- he talks about narrowness.

MS. JELENCHICK: Tell me where specifically in the declaration -- your cross-examination is limited to his direct exam.

MR. SKERIOTIS: Okay. Page 25. "Prior reverse draw crossbow configurations did not emphasize design features that were as narrow as the claimed configuration."

Go back to my question.

MS. JELENCHICK: What does that have to do with TenPoint?

MR. SKERIOTIS: I'm not asking about TenPoint now. I'm asking him about something else. I went on. And it does have, because this what's the prior art and what his knowledge is of the prior art, Kadie.

MS. JELENCHICK: Disagree.

MR. SKERIOTIS: Well, you're welcome to maintain an objection. That's fine.

MS. JELENCHICK: And we'll move to strike.
MR. SKERIOTIS: You can move to strike. Go ahead.
Q. I'm not asking about TenPoint right now. I'm asking you what you knew about prior art disclosure of closeness of cams. Had you ever heard of any disclosure of cams prior to the filing of the '015 patent of 8 inches?
MS. JELENCHICK: Objection. Form. Scope.
A. I am not aware of prior art.
Q. Okay. Let's turn to your declaration.
MS. JELENCHICK: Is now a good time for a break?
MR. SKERIOTIS: Do you need a break, Mr. Teater?
THE WITNESS: Yes, I could use a break. I need some water.
(The proceedings recessed at 10:36 a.m.)
(The proceedings reconvened at 10:56 a.m.; appearances as before noted.)
JONATHAN R. TEATER, resumes;
CONTINUING CROSS-EXAMINATION BY MR. SKERIOTIS:
Q. Mr. Teater, we're back on.
We're going to turn to your declaration. Okay?

A. Okay.
Q. I understand your declaration is right in front of you; correct?
A. Yes.
MR. SKERIOTIS: Okay. And, Ms. Jelenchick, do you have a copy of that declaration as well?
MS. JELENCHICK: I do. Thank you.
Q. Paragraph 9 of your declaration lists the materials you've reviewed when forming your opinion; correct?
A. Yes.
Q. Have you relied on any other materials that aren't listed there?
A. No.
Q. Do you know what a patent family is?
A. I don't officially.
Q. Okay. Do you know what it means for one patent or a patent application to be related to another one?
A. It sounds like a family.
Q. Okay. But you have never heard that term before, though; correct?
A. Correct.
Q. Okay. Do you know what a continuation

application is?

A. I may.

Q. Okay. What is it?

A. Is it a continuance beyond a certain date and time when they're in the application process?

Q. A continuation application would be another application based upon a preceding application.

A. Preceding. Okay.

Q. But you had never heard that before; correct?

A. I may have in some passing, I guess.

Q. Have you ever heard of a continuation-in-part application?

A. Possibly. One in the same.

Q. Do you know?

A. I'm assuming it's along the same definition that you just gave. A portion of it would be considered.

Q. A little bit, but it's different. But you don't know what difference that is --

A. I don't.

Q. -- from a continuation?

A. No.

Q. And let's try not to talk over each other.

It's really, really hard for the court reporter to do that. Okay?

Do you know whether the '015 patent has any related or continuation applications?

MS. JELENCHICK: Objection. Form. Scope.

A. I'm not aware.

Q. Okay. Have you reviewed any other patents or applications in the '015 patent's family?

MS. JELENCHICK: Objection. Scope. Form.

A. Not that I'm aware of.

Q. Okay. Do you know whether any related applications or patents can be considered during claim construction of a patent?

A. Yes.

Q. Do you know whether any related applications or patents to the '015 patent can be considered during claim construction of a patent?

A. No different than the other ones, yes.

Q. Your declaration states that you reviewed the file history of the '015 patent.

Do you see that?

A. Yes.

Q. Do you know what "file history" means?

A. I do.

Q. What is it?

A. There was some description in some of the information that I had received in my original paperwork, which I'm not sure exactly where that was, that maybe talked about the filing timeline or the prior history of this particular patent. So when it was initially filed, preliminary, those type of things, hence that term.

Q. So what does "file history" mean to you?

A. Just the events orchestrated along the lines of submitting the patent and related application information, forms, et cetera.

Q. Have you reviewed all of the references cited by either Ravin or the examiner during the prosecution of the '015 patent?

MS. JELENCHICK: Objection. Scope.

A. I'm not sure I have reviewed everything.

Q. Do you know what I mean when I say "prosecution of the '015 patent"?

A. Yes.

Q. What do I mean?

A. You mean the actual processing, related artwork, history, those type of aspects of --

Q. The proceedings -- during the patent office proceedings of the '015 patent; correct?

A. Yes.

Q. Okay. Do you know whether the USPTO examiner rejected any claims of the '015 patent's application during prosecution?

MS. JELENCHICK: Objection. Scope.

A. I am aware of that, but I don't remember the specifics.

Q. Have you reviewed what the petition refers to as Kempf '001?

A. In this patent? The prior art of the '15 patent?

Q. No. No. In the petition that we -- I'm sorry. You are aware that we filed a petition seeking to invalidate Claim 1 of the '015 patent; correct?

A. Yes. Yes. Yep.

Q. In that petition, are you aware that we refer to a piece of prior art known as Kempf '001?

A. Not offhand. And that's different from the '014.

Q. Have you reviewed what the petition refers to as Despart and Lester?

A. No.

Q. No.

Do you know why you didn't review Despart and Lester? Is there a reason?

A. I don't remember offhand, no.

Q. Do you recall whether the examiner explained his reasons for allowing the '015 patent after first rejecting its claims?

MS. JELENCHICK: Objection. Form. Scope.

A. I don't recall.

Q. You are aware that he rejected the claims of the '015 patent during the prosecution of the '015 patent?

A. Again, I remember it being in question, but I don't remember the specifics, what was actually rejected.

Q. Okay.

A. I don't know the happenings of that per se.

Q. Do you know whether helical power cable journals were known in the archery field prior to 2013?

A. Not that I'm aware of.

Q. Not even on compound bows?

A. Not that I'm aware of.

Q. So you've seen the prior art in this proceeding; correct?

A. I looked at the specific patents, the supporting prior art. I did not go through each one of those that are referenced.

Q. Well, you've gone through the petition that we filed; correct?
A. Yeah, I went --
Q. And you've seen the prior art that was disclosed in the petition; correct?
A. Of the ones that we've had disputes with, yes.
Q. And you've read those; correct?
A. Yes. At some point in time, I did read through those.
Q. And is it your position, then, as you sit here today, that none of those pieces of prior art disclose a helical power cable take-up journal?
A. I'm not aware offhand. I would have to re-review them. I don't know offhand.
Q. We'll get to those.
Do you know whether power cables extending from cams to the crossbow main beam, rail or stock, were known prior to 2013?
A. Say that again.
Q. Sure. Do you know whether power cables extending from the cams to the main beam, rail or stock, were known prior to 2013?
MS. JELENCHICK: Objection. Scope.
A. Is that under a specific patent?

Q. No. No. I'm just generally speaking if you know about that as a person of ordinary skill in the art.

A. Yes. Based on the patent reference, yes.

Q. Okay.

A. There's journals traveling to a point of impact that's either the stock or riser, yeah.

Q. Let's turn to Claim Construction and "Mounted To."

Okay?

A. Yes.

Q. All right. My understanding is that you believe that the term "mounted to," as used in the '015 patent, Claim 1, should be construed to mean physically connected to allow only rotation about a fixed axis; correct?

A. That's correct.

Q. Okay. So it's your position that when a person of ordinary skill in the art reviews the '015 patent, quote, physically connected to allow only rotation about a fixed axis, end quote, is the proper definition of the words "mounded to"; correct?

A. Repeat that again.

Q. Yes. It's your position that when a person of ordinary skill in the art reviews the '015

patent, quote, physically connected to allow only rotation about a fixed axis, end quote, is a proper definition of the words "mounted to"; correct?

A. Correct.

Q. Okay. Would you agree that the plain and ordinary meaning of mounted to, outside of the '015 patent, would be something that is mounted to something if it's directly or indirectly connected to it?

MS. JELENCHICK: Objection. Form.

A. I'd have to have more information on the circumstances surrounding that to make that observation.

Q. So you can't agree or disagree with respect to that at this point in time?

A. Without application experience, no.

Q. Okay. Let's take a look at the figures of the '015 patent. Let's go to Figures 11 and 12.

Let me know when you're there.

A. I'm there.

Q. Would you agree that the limbs 312 of the crossbow 300 are mounted to the riser 310?

A. The riser being 310?

Q. Correct.

A. Yes.

Q. Would you agree that the limbs 312 of the crossbow 300 are mounted directly to the riser 310?

MS. JELENCHICK: Objection. Form.

A. I would not.

Q. So the limbs 312 of the crossbow 300 are not mounted directly to the riser 310?

A. No.

Q. Are they mounted indirectly to the riser 310?

A. It depends on the definition of indirectly.

Q. Well, let me ask you what -- the limbs are 312; correct?

A. Yeah.

Q. And the riser is 310; right?

A. Yeah.

Q. So the limbs are not directly mounted to 310?

A. 312 is not directly mounted to 310. There's an intermediary component in there.

Q. Oh, what is that?

A. It's likely a limb pocket, but I don't know what the reference of 328 is.

Q. Can you show me or find for me anything in the spec of the '015 patent that says a limb pocket?

I think if we go to -- just to help you out, got to column 5 --

A. Check.

Q. -- line 57. It says "first and second flexible limbs are attached to the riser."

Do you see that?

A. I do.

Q. So let's go back to my question.

Would you agree that the limbs 312 of the crossbow 300 are mounted directly to the riser 310?

MS. JELENCHICK: Objection. Form.

A. The likelihood of that happening, based on this particular drawing without description, is no.

Q. You think they left something out. Is that what you're saying?

A. I think a description for the 328 -- and it mentions 328 without specific description of what that is on 20 --

Q. I'm sorry. You lost me.

A. Column 6, item 20, kind of in that range, 24. I would have to look at the --

Q. Hang on. Let's go back to our initial point.

You said there were limb pockets. Is there any disclosure of the term "limb pockets" within

the patent?

A. I'm going to have to painfully go through this and look.

Q. I will represent to you that the word "pocket" is not anywhere in the '015 patent. That's a factual basis anyway.

A. Okay.

Q. I can just tell you it's not in there.

A. Well, is there another terminology surrounding it that would be representative?

Q. I don't believe so. The only thing is where I pointed you out to in column 5.

A. Pictorially, it's represented that there's an object there specifically, though. There's a physical object that's an intermediary --

Q. Well, it's not called out, is it?

A. Not necessarily.

Q. Not necessarily? It's either called out or it isn't.

A. Well, it is. It represents there's a reference --

Q. Is there a reference numeral to it?

A. There is.

Q. Where is that?

A. 328.

Q. Where is 328? What figure?
A. Figure 11, 328.
Q. All right. Let's look up what 328 is.
328 is shown in column 6 --
A. Yeah.
Q. -- line 22 on.
328 depicts the release configuration 328.
A. So presumably based on that, without specific definition, that is a controlling mechanism and, in some capacity, supports that bow, particularly the limb, through the drawing sequence.
Q. Mr. Teater, I'm just asking you simply, is 312, the limbs, mounted to the riser 310 directly?
A. No.
Q. Okay. Are they indirectly?
A. It depends on the definition of indirectly.
Q. What's your understanding of indirectly?
A. I don't have an understanding. That's not a currently defined term.
Q. So as you use the term in ordinary life, you don't understand what the term -- is it your testimony here today that you don't know what "indirectly" means?
A. Unless it's defined, no.

Q. Okay. So if I sit down and ask you if something is indirectly mounted to something else, you would have no idea what that means? Is that your testimony here today?

MS. JELENCHICK: Objection. Scope. Form.

A. Without definition, no.

Q. Okay. So your testimony is, again just to be clear, that -- when I ask you today whether or not something is mounted indirectly to something, you don't know what that means?

MS. JELENCHICK: Objection. Form. Scope.

A. Correct.

Q. Okay. Is the limb -- strike that.

You would agree that a tire is mounted to the wheel of a car; correct?

A. A tire is mounted to a rim.

Q. A rim of a car; correct?

A. That's the wheel.

Q. That's what I said.

A. The combination of those are the wheel.

Q. You think there's some difference between a rim and a wheel?

A. Yeah, perhaps there is.

Q. Okay. What's the difference, just curious?

A. The wheel is a combination of the tire and the rim. That's a wheel. That's --

Q. That's fine. That's fine.

So you would agree that a tire is mounted to the rim of a car?

A. Yeah, a tire would be mounted to a rim, which would be mounted to a car.

Q. Yes. Is that correct? Is that what you're saying?

A. The rim is mounted to the car. The tire is mounted to the rim.

Q. That's correct.

A. Yeah.

Q. Okay. And you understand that TenPoint's claim construction for "mounted to" means connected to either directly or indirectly; correct? You're aware of that?

A. I am aware of that, yep.

Q. Okay. Let's turn to paragraph 15 of your declaration.

In paragraph 15 of your declaration, you state your understanding that, quote, pertinent extrinsic evidence to the patent, end quote, can be considered when construing claims.

Do you see that?

A. You're on 15?
Q. Yes.
A. I didn't see that exactly, but say that again. Sorry.
Q. Okay. Yeah, you're right. It's not exact. Paragraph 15 says your understanding that pertinent extrinsic evidence -- well, it is. I take it back. Let's start over.
Paragraph 15 of your declaration, you state that pertinent extrinsic evidence to the patent -- do you see that? --
A. Yeah.
Q. -- can be considered.
A. Yep. Sorry.
Q. Correct?
A. Yes. Yep. Yep.
Q. Okay. Did you consider any extrinsic evidence in providing your claim construction?
A. I did.
Q. What did you consider?
A. I considered other ordinary meanings potentially beyond this particular drawing and description in here --
Q. Okay.
A. -- in reference to that.

Q. What did you consider? What exactly -- I need to know exactly what you considered.

A. Notably the other patents that were provided to me. I reviewed those for content and description.

Q. And did you rely on any of them in forming your opinion of mounted to?

A. Yeah, I did.

Q. Take me through that.

A. I looked at the -- most specifically the Stanziale '302 patent initially.

Q. And where specifically in Stanziale '302 did he use the term "mounted to"?

A. I don't believe he used the term specifically in that particular patent, but they did note the term "connection" and "operational involvement."

So the way I looked at it is, if it's mounted to, it needs to be in operational form related to directly.

Q. Where did you come up with that?

A. Just based on reading the various patents that's --

Q. Is that in the '015 patent?

A. The definition of mounted to or the --

Q. What you just said.
A. No, no, no. In the '302 patent, I looked at the -- particularly the levers and the relationship.
Q. So you consulted with Stanziale '302 to come up with your definition -- claim construction of mounted to. Is that what you're saying?
MS. JELENCHICK: Objection to form.
A. Not necessarily.
Q. Well, I'm asking you what did you consider --
A. I can --
Q. Hang on. Hang on. The question is what you considered in coming up with your claim construction of mounted to. That's what I'm looking to understand.
A. Notably, I took the basic definition of my understanding of mounted to in reasonable terms.
Q. And what's that?
A. Directly connected to.
Q. Okay.
A. That was my definition. The term "indirect," to me, was ill-defined in the sense that it didn't provide clear enough description based on definition.

Q. Okay.
A. So comparatively, I did look at other patents in this stack to ensure that I didn't have a misunderstanding of that various perception.
Q. Okay. Anything else you considered in coming up with your definition of mounted to, outside of the '015 patent?
A. Not that I can think of at the moment.
Q. Okay. Can you point me to anything -- I'm looking for a column or line number that supports your definition of mounted to in the '015 patent.
A. So go back to column 6, item 5.
Q. You mean line 5?
A. Line 5. Sorry. Line 5. So that term used in there, you're asking for a specific definition?
Q. No. I'm asking you what, from the '015 patent --
A. Yep.
Q. -- column line number that supports your definition of mounted to.
A. So where it talks about the string guide, we'll just say that -- meaning cam, just to be basic, is mounted to the second bow limb.
Q. Tell me how that supports your

construction of mounted to when it just says it's mounted to.

A. Well, it has to be affixed to the limb in order to function.

Q. Okay. Anything else?

A. No.

Q. Okay. Are you aware of TenPoint -- strike that.

Can you tell me what's wrong with TenPoint's definition of mounted to?

A. Can you describe their definition? It is in some sections I can review?

Q. No. No.

A. Can you read it?

Q. TenPoint's definition of mounted -- or claim construction of mounted to is connected to either directly or indirectly.

A. If there's a functional relationship -- like it explains here, that the cam is mounted to the limb, and there's a functional relationship, that functional relationship is meaningful to the definition. So in that definition, indirectly basically superfluously includes other items that are not necessarily in function with that particular unit.

So I look at it as a functioning unit in

assembly, so to speak, verse like something unrelated, if that makes sense. Like it could be the trigger, for example, which is not directly related to that component and its connectivity functionally.

Q. Yeah. So I'm just asking -- what's wrong with TenPoint's definition -- claim construction of mounted to being connected to either directly or indirectly? What's wrong with it?

A. In this, it seems very exact to it's mounted to the limb. It's not indirectly mounted to anything else other than the limb.

Q. Well, it says "or." TenPoint's definition says "or."

A. Sure.

Q. "Connected to directly or indirectly." It doesn't require both. So I'm just asking what's -- well, here. How about this?

We'll keep going.

We can agree, I think, on the wording "connected to" as claim construction of mounted to; correct? Because your definition says "physically connected to," and TenPoint's definition says "connected to." So we don't have a problem with "connected to." Is that fair?

A. Fair. Yes.

Q. And you agree that the first cam may be connected to the first bow limb; correct?
A. Correct.
Q. And that connection can be either directly or indirectly; correct?
MS. JELENCHICK: Objection. Form.
Q. Cam to the bow limb, it can be mounted to it either directly, right through it, in a hole in the limb; correct?
A. It doesn't seem functional, though.
Q. Bear with me.
A. Yep.
Q. Can a cam be connected to a bow limb directly with a hole right through the limb?
A. You're talking about drilling a hole through a limb, just sitting on top of it, without any functionality?
Q. No. It's got an axle?
A. It's got an axle.
Q. Okay. Then it's connected directly to the bow limb via the axle. Is that fair?
A. The axle, yes.
Q. Okay. What is the problem with indirectly, in your mind, as it relates to mounted to?
A. As it relates to the patent specifically?

Q. To the words "mounted to." As far as a claim construction for mounted to, why don't you seem to like the term "indirectly"? You don't; correct?

A. I don't. I don't think it's well defined, and I didn't --

Q. What about "indirectly," meaning one or more intermediate parts?

A. To the functionality of the unit, as we said? If it's based on functionality --

Q. If I just said the cam is mounted indirectly to the limb via an axle, would that be okay?

MS. JELENCHICK: Objection. Form.

A. It's directly mounted to the axle.

Q. No. I said a cam is mounted to the limb indirectly via the axle.

A. I don't think the definition of indirectly is correct in that.

Q. So that would not be a correct statement? If I said the cam is mounted to the limb via -- indirectly via the axle, that's not true?

A. Not -- in my definition, it's not.

Q. No. I'm just asking you based upon Figure 12 and 11.

A. Yep.

Q. The cam is mounted to the limb via an axle, which is an indirect mounting; correct?
A. I think it's direct.
Q. I just asked you that, if it was --
A. And I said yes.
Q. -- connected to the limb.
A. Right.
Q. We're going to go through this slow. It's okay. I understand.
The cam mounted to the limb indirectly via the axle?
A. The way that it is drafted in this is the cam is of the components, which would include the axle. So it's actually one component.
Q. The cam and the axle?
A. That's the way I'm viewing it.
Q. So the cam --
A. In the definition from the '015 patent.
Q. So the cam and the axle are connected directly to the limb?
A. Directly to the limb.
Q. Correct?
A. Correct.
Q. Okay. You see the scope shown in Figures 11 and 12?

A. Yes. Yes.
Q. What is a scope, as a person of ordinary skill in the art, typically mounted to on a crossbow?
MS. JELENCHICK: Objection. Form.
A. Typically a mounting rail. That's what they call it by trade.
Q. Okay. Let's turn to Exhibit 1028. I'll refer to that as the last three digits of the patent number, which are the '073 patent. Is that fair?
A. '073.
MS. JELENCHICK: Which exhibit?
MR. SKERIOTIS: It should be 1028.
MS. JELENCHICK: Objection to the questioning regarding this exhibit. This is not of record.
A. John, I don't have that, I don't think, in --
Q. Exhibit 1028?
A. -- my list here.
Q. That's fine.
I've just handed you what has been filed in the IPR proceeding as Exhibit 1028.
Are you familiar with that?
MS. JELENCHICK: I'll just interpose a running objection as to questioning regarding this

exhibit. It's subject to challenge by the patent owner and it has not been admitted by the Board as being of record. It may have been filed, but it is not part of these proceedings as of yet.

A. I haven't reviewed this.

Q. Okay. So you did not consider this patent in forming any of your opinions in this proceeding; is that correct?

A. Correct.

Q. Okay. Let's turn to column 9, lines 10 to 12.

MS. JELENCHICK: Mr. Skeriotis, I will stand on that objection at the outset instead of interposing specific objections regarding the scope of questioning regarding this exhibit, unless you would like me to make individual objections, and I'm fine to do that too.

MR. SKERIOTIS: No, you're fine. Thank you.

A. Okay. 9.

Q. Column 9, lines 10 to 12, let me know when you're there.

A. 10 to 12.

Q. It says, quote, the crossbow 400 includes a center rail 402 with a riser 404 -- go to Figures

13A and 13B.

A. Yep.

Q. Okay?

A. Yep. Sorry.

Q. So let's start over. Quote, the crossbow 400 includes a center rail 402 with a riser 404 mounted at the distal end 406 and a stock 408 located at the proximal end 410.

Do you see that?

A. Yes.

Q. First, do you agree with that statement that the riser 404 is mounted at the distal end 406 of the center rail 402?

A. Say that again really slow, John.

Q. Sure. Do you agree with the statement from the patent that says the riser 404 is mounted at the distal end 406 of the center rail 402?

A. I'm not following the 402 center rail of the riser to the distal end. So the riser is mounted to the barrel, which is -- okay. Okay. Yeah, I follow that. The mounting of each individual component, sure.

Q. So you agree with that?

A. That the riser via the limb pocket 406 limb, but there's a separation between 406 and 402.

Is that what you're trying to get at?

Q. I'm just reading from the patent, Mr. Teater, and I'm just asking you to confirm that what the patent says is accurate, the drawing. I'm reading the quote. That's all.

This isn't a trick question. I'm just asking you, do you agree with what the person who drafted the patent says? That's all I'm asking.

So let's go back. Do you agree with the statement that the riser 404 is mounted at the distal end 406 of the center rail 402?

MS. JELENCHICK: I'm just going to continue to object as to why we're covering this.

A. John, I really need to take a look at this in detail before I make a decision.

Q. So as a person of ordinary skill in the art, reading that one sentence and having the drawing in front of you, you don't know? Is that your testimony?

MS. JELENCHICK: Objection. Form.

A. I haven't reviewed this patent in totality. So I don't know the aspects and elements of how things are phrased --

Q. Do you have any reason to believe that that's inaccurate, from what you're reading?

MS. JELENCHICK: Objection. Form.

A. I wouldn't have phrased it this way, to be honest with you, but it is what it is.

Q. I don't know what that means.

A. I would have had each component in -- I mean, it refers back to the stock in its reference to the distal end, which -- if the question is mounted to, it's mounted through.

Q. Do you agree that the riser 404 is mounted directly to the center rail 402?

A. 404 to 402?

Q. Yes.

A. Yes.

Q. Do you agree that limbs 420A and 420B are mounted directly to the riser?

A. No.

Q. Via limb pocket?

A. Yes.

Q. Okay. Do you agree that Ravin's construction of mounted to in this mounting structure would not make sense?

MS. JELENCHICK: Objection. Form.

A. I have no opinion without reviewing the entire patent.

Q. Well, you don't see any rotation about any

fixed axis in what we just looked at; correct?

A. In that discussion, no.

Q. Okay. Let's turn to Claim 31 of the '073 patent, columns 25, lines 19 to 20.

A. Which patent are we in?

Q. Same one.

A. Sorry.

Q. That's okay. Column 25, lines 19 to 20.

A. 9 or 10?

Q. Column 25.

A. Column 25. Sorry.

Q. It's okay. It's going to be Claim 31.

A. Okay. Got you.

Q. And it says, 31, the crossbow of Claim 1 comprising an optical scope mounted to a scope mount on the crossbow.

Do you see that?

A. Yes.

Q. Okay. Turn to Figure 13B. Keep that, and then turn to 13B.

A. Sorry. Yep.

Q. Do you agree that the scope mount -- strike that.

The optical scope 414 is mounted to the scope mount 412; correct?

A. Yes.
Q. Is scope 414 mounted to the scope mount 412 directly or indirectly?
A. Directly.
Q. Is the scope 414 mounted to the stock 408?
A. Say that again.
Q. Is the scope 414 mounted to the stock 408?
A. No.
Q. Are you sure?
A. Without definition of mounted and understanding the context here, it's hard for me to say precisely.
Q. From the drawing, you can't tell if the scope 414 is mounted -- strike that.
You can't tell from the drawing whether or not scope 414 is mounted to the stock 408. Is that your testimony?
A. Yes.
Q. All right. Let's turn to column 9. Keep that in mind. Keep the drawing out.
A. Yep.
Q. Turn to lines 15 to 17.
A. What section again?
Q. Column 9, lines 15 to 17.
A. Okay.

Q. Quote, the stock 408 includes a scope mount 412.

Do you see that, that end quote?

A. Yes.

Q. Does that help you in determining whether or not the stock 408 and the scope 414 are mounted to one another?

MS. JELENCHICK: Objection. Form.

A. So in order -- we're saying the scope tied 412 to 408?

Q. Correct.

A. Yeah, I don't know the interfacing between 412 and 408. But 412, based on this, is tied to 408.

Q. Scope 414 is mounted to 412; correct?

A. Check.

Q. Okay. So then why is it wrong to say that scope 414 is mounted to stock 408?

MS. JELENCHICK: Objection. Form.

A. Because it's not.

Q. The scope 414 is mounted indirectly to the stock 408 via the scope mount 412; no?

A. What's the definition of indirect?

Q. Another part in between.

A. 412 is the in between?

Q. Correct.

A. It cannot function without that component. So to my definition, it would be indirectly mounted to 408.

Q. Via the scope mount 412; correct?

A. 412 scope mount?

Q. So all I'm saying is, scope 414 is mounted indirectly via another part, which the other part would be the scope mount 412 to the stock 408?

A. If it requires for functionality, the answer is yes to that.

Q. Okay. And you agree that there is no rotation in that mounting structure about a fixed axis; correct?

MS. JELENCHICK: Objection. Form.

A. Correct.

Q. Okay. So let's turn back now -- you can put that aside. I'll take that back, the '073 patent.

A. It's disorganized.

Q. That's fine. I'll put it back together.

Thank you.

A. Yep.

Q. Let's turn now to Claim 1 of the '015 patent, and that's lines 11 and 12.

MS. JELENCHICK: I'm going to stop my running objection regarding the scope.

MR. SKERIOTIS: Thank you.

Q. So now we're just talking Claim 1, lines 11 and 12.

Do you see that?

A. Yes.

Q. And it says, quote, a first string guide mounted to the first flexible limb by a first axle mount and rotatable around a first axis; correct?

A. I'm sorry. I'm not following where this is. You said it's in 11? Sorry.

Q. Lines 11 and 12, Claim 1.

A. I missing this, John. I'm losing my mind here.

Q. That's okay. Claim 1 in there.

A. Oh, Claim 1. Sorry.

Q. So you're going to go up here to lines 11 and 12.

A. Check. Yep, I agree with what you said.

Q. Okay. So the two-word phrase just in that Claim 1, as to the first string guide, that says "mounted to" --

A. Yes.

Q. -- says nothing about rotation; correct?

MS. JELENCHICK: Objection. Form.

A. I'm sorry, John, it does say "rotation."

Q. That comes afterwards; right? I'm talking about where it says "first string guide mounted to the first flexible limb."

A. Correct, no discussion of rotation.

Q. The subsequent language -- you were going towards that -- says "and rotatable around a first axis"; correct?

A. Correct.

Q. But the earlier phrase, again, doesn't say anything about rotation; right?

MS. JELENCHICK: Objection. Form.

A. In the prior sections?

Q. Correct.

A. Correct. Yes.

Q. Do you know what a transitional phrase or transitional language of a patent claim is?

A. Not by definition.

Q. Well, do you even know what that means?

A. Could you describe it to me?

Q. No. No. I'm just asking you for your knowledge. If you don't understand it, that's okay. I'm just asking if you know what that means.

A. Not specifically.

Q. Is Claim 1 open-ended or closed, if you know? Do you know what that means?

A. I don't know that.
Q. Okay. Claim 1 states that the string guides must be rotatable around their axes; correct?
A. Correct.
Q. Where does Claim 1 say that no other movements are allowed?
MS. JELENCHICK: Objection. Form.
A. It doesn't limit the movement per se.
Q. Okay. You agree that if I substitute Ravin's definition of mounted to -- I take out the words "mounted to" and I put in your definition, it doesn't make sense, the sentence wouldn't read correctly. Is that fair to say?
A. Without the words "and rotatable around a first axis"?
Q. Yes, let's do that. Let's take Ravin's -- your definition -- I'm sorry -- your definition of mounted to. Okay? And we're going to take out the words "mounted to," and we're going to put it in and read it. Okay?
A. Okay.
Q. I'm going to read it to you.
(As read): A first string guide, quote, physically connected to allow only rotation about a first axis, end quote, the first flexible limb by a

first axle mount rotatable around a first axis.

Do you see that?

A. Uh-huh.

Q. Did that make sense?

A. You paraphrased, but --

Q. Well, why don't you do it for me, then. If you need to turn to the claim construction of mounted to, you can do so in your declaration.

A. So I use --

Q. Page 41 of your declaration.

A. Which section do you want me to refer to? The interpretation?

Q. Yes. I want you to take that phrase and substitute it in Claim 1, in the appropriate area, and I want you to read it out loud.

A. The first string guide physically connected to the first bow limb and rotatable around a first axis. The first string guide comprising the --

Q. No. No. You were supposed to take "mounted to," your definition --

A. I switched it out with "physically connected."

Q. You have to read the whole thing. "Physically connected to allow only rotation about a fixed axis."

A. Well, that's only what it describes, is only that axis.

Q. No. No. Aren't you saying the words "mounted to" mean physically connected to allow only rotation about a fixed axis? Isn't that what you're saying, that's what the words "mounted to" mean?

A. Based upon only referencing a single axis here, yes.

Q. So I don't understand. You've thrown me. What is mounted to -- what is the claim construction for mounted to in your opinion?

A. The definition again?

Q. Correct.

A. Physically connected.

Q. That's it?

A. And around a first axis. So it's physically connected vis-à-vis the limb and the axle component, and that's all that's being described in that section.

Sorry. Vis-à-vis the axle component to the limb. Like I said before, that gives me the description that there's some type of bearing element within that; right? Just basic definition.

Q. But that's the first axle mount rotatable around a first axis portion of the actual claim

language; right?

A. Right.

Q. So what does "mounted to the first flexible limb" mean? Attached to the first flexible limb?

A. Physically attached.

Q. Physically attached to the first flexible limb, and that's it?

A. Correct.

Q. Okay. Let's move on.

Have you heard of reverse draw and forward draw crossbows?

A. Yes.

Q. You think you understand where I'm going with this, but that's okay, because you put a little smirk on your face, and I have one myself.

What would a person of ordinary skill in the art understand, outside of the '015 patent, that a forward draw crossbow would be? A forward draw.

A. Forward draw incorporation with the riser and limb orientation?

Q. Correct.

A. So a forward draw crossbow is such that -- this would be common definition. That the riser and related limbs in orientation is opposing the archer

per se.

Q. Where would the cams be located in a forward draw crossbow?

A. Typically at the distal end of the limbs.

Q. Closest to the trigger; correct?

A. Not necessarily.

Q. On a forward draw?

A. Not on a forward draw.

Q. Where would they be, then?

A. What do you mean? Like a forward draw -- like a regular normal forward draw bow?

Q. Correct.

A. Oh, sorry. There is a lot of terminology. You said --

Q. Well, hang on. Let's not talk over one another. My fault.

A forward draw crossbow --

A. Standard.

Q. -- has the cams closest to the trigger -- closer to the trigger than reverse draw. Is that fair?

A. Yes, sir. Correct.

Q. So a reverse draw crossbow would be what of an understanding to a person of ordinary skill in the art?

A. Reverse draw, in my definition, is meaning specifically the string's position in opposition of where it would normally be instituted. So the movement of rotation --

Q. No. Go ahead.

A. No, that's it. I mean, it's going to be --

Q. Take a look at Figure 11 of the '015 patent.

Figure 11.

A. Figure 11, yep.

Q. That's a reverse draw crossbow; correct?

A. Yes.

Q. And it's a reverse draw crossbow because the cam/wheel pulley are located at the farthest end of the bow limb; correct?

MS. JELENCHICK: Objection. Form.

A. That is the normal definition.

Q. Okay. And then if it were a forward draw crossbow, the cams would be located at the opposite end of the limb; correct? So what's shown here in Figure 11?

A. Correct.

Q. I'm just trying to get a baseline between you and I so we know what we refer to.

A. Yes.
Q. Okay. Have you ever heard the phrase "reverse cam"?
A. Yes.
Q. And what does that phrase mean to you?
A. Positioning the string in front of where it would normally be positioned, as in the first definition of -- what did you call it? -- the forward crossbow. So it would be in position -- in closer relationship to a riser or distal end of the forward part of the bow.
Q. Well, if we take a look at Figure 11 --
A. Yes.
Q. -- string 314 in that embodiment is shown as a reversed cam; correct?
A. Yes.
Q. And that's because it is located at the top of the cam/roller; correct?
A. It's because the string is positioned forward of the cam.
Q. Correct.
A. Yes.
Q. So Figure 11, I would understand it to be a reverse draw crossbow and a reverse cam as well; correct?

A. I would agree with you.
Q. All right. You use "reverse draw configuration" multiple times in your declaration; correct?
A. Correct.
Q. Do you recall if the '015 patent uses that phrase, "reverse draw configuration"?
A. I do. I believe it does, yes.
Q. And what does that term mean in the '015 patent?
A. It could embody both and/or the definitions we talked about earlier. So meaning the string orientation forward, like we described.
Q. Reverse cam; correct?
A. Common language is not as they were drafted in this year. They didn't rephrase the terminology or recycle that terminology until, like, post this time period. They started getting smarter publicly how they disclaim them. But at this juncture, reverse draw was anything, just by definition, where orientation of the limbs were in opposition of the archer.
Q. Regardless of where the string was located on the cam; correct?
A. During this time period, correct.

Q. Okay. Do you know who holds a patent to a reverse cam technology? Just curious.

A. Is it Kempf?

Q. Yes, I believe so.

Okay. I want to make sure we got that baseline done.

Let's turn to paragraph 10 of your declaration.

A. Yes.

Q. Okay. In paragraph 10, you state, quote, my opinions are additionally guided by my appreciation and understanding of how a POSA would have understood the claims of the '015 patent at the time of the alleged invention at the priority date of the patent, December 16, 2013, end quote; correct?

A. Yes.

Q. Okay. Is that still true today, paragraph 10?

A. Based on the description that we came up with, it would vary slightly.

Q. Okay. How?

A. Based on the dialogue we just had about cam orientation, positioning.

Q. Okay.

A. That's been a slated redaction --

Q. Other than that, paragraph 10 is still true today; correct?
A. Yes.
Q. So what, if anything, did you do to understand how a POSA would have understood the claims of the '015 patent as of December 16, 2013?
A. Seeing I was doing the testing with the crossbow companies at that time, I'm going off my memory and experience of what that stage of life was like.
Q. What did you do to put yourself in that frame of mind of December 16, 2013, and prior?
A. Well, when I went back and looked at some of the testing that I had done through that period of time, I was remembering some of the products that I had tested, and so that just triggered a memory for me.
Q. So you went back and you looked at the products that you did at what time period?
A. In that interval up to 2013, which --
Q. And how many years did you look at the testing that you looked at prior to 2013?
A. I just looked at a couple -- a few products I had done. I think I had done a Horton in that time period.

Q. What did you look at? A Horton what?
A. It was the RDX. I can't remember the specific model at that point in time.
Q. Was it a TenPoint Horton or a true Horton archery?
A. I think it was a true Horton.
Q. Okay. And so it could have been the Horton RDX?
A. I don't think it was an RDX. I think it was prior to.
Q. Prior to the RDX. Okay.
A. I'm not a hundred percent sure of the model specifically.
Q. And what else did you look at? You said you looked at a couple. Did you just mean that flippantly?
A. No. I looked at the Stryker. I know I had done tests on the Stryker, and I think I had done a test on an Excalibur. Relevant or not, you know, I think those are some of the tests I had done in that time frame.
Q. Do you know what model Stryker and Excalibur?
A. 400 or 350 is coming to mind, but I don't even know if that's an actual number. I should not

say. I don't know specifically models.
Q. And that was for the Stryker, though, if it was?
A. Correct.
Q. How about the Excalibur?
A. Can't remember.
Q. Do you know what types of crossbows those were?
A. Well, the Horton was a reverse draw -- reverse cam, reverse draw.
Q. Do you know if that was based on a Popov technology?
MS. JELENCHICK: Objection. Form.
A. Don't remember specifically.
Q. Have you heard of the Popov technology?
A. You mean an abbreviated version of something that had been previously developed?
Q. No. An inventor named Popov.
A. Oh, Popov. No, that doesn't ring a bell.
Q. Okay. How about the Stryker? Was it a crossbow?
A. Yes.
Q. Forward draw or reverse draw?
A. I think it was a forward draw.
Q. How about Excalibur?

A. Forward draw.
Q. Forward. Okay.
Anything else you did to come up to speed as to what it was like in December 16 of 2013?
A. I don't know. This was in my heyday, so at this point I was pretty in tune with the products. I was trying to build the testing.
Q. So I'm asking what you did in order to prepare yourself to be a person of ordinary skill in the art at the time of December 16, 2013.
A. Beyond that, I didn't do any other research at all.
Q. Do you know what the speeds were at that time of crossbows?
A. I don't know if they had broken the 300 mark, 300 FPS mark.
Q. So less than 300?
A. They would have been low 300 or high 200s.
Q. What were the width dimensions on crossbows at that time period, cocked and uncocked, if you know?
A. I don't know offhand, but I have all those statistics.
Q. At the time who were the leaders of crossbow sales?

MS. JELENCHICK: Objection. Form. Scope.
Q. If you know.
A. I don't know.
Q. Okay. Are you able to tell me at least some of the crossbow companies that were around at that time, 2013 and beyond -- and before?
A. Yes. TenPoint, Excalibur, Stryker.
Q. Anybody else?
A. Horton.
Q. Anyone else?
A. No, I don't remember offhand.
Q. What were the limb poundages of crossbows around that time frame?
A. I don't have that information right now.
Q. Can you name me some of the models that were out during that time frame of crossbows?
A. At this very moment, I cannot remember specific models.
Q. Do you know who are the major crossbow companies now?
MS. JELENCHICK: Objection. Form. Scope.
Q. Do you know what I mean when I say "major crossbow companies"?
A. I do.
MS. JELENCHICK: Same objection.

A. Do I know who the largest one is?
Q. Who are the major crossbow companies, as you understand that term, in the marketplace today in the United States?
MS. JELENCHICK: Objection. Form. Scope.
A. That, I don't know specifically. I know probably the largest producer is TenPoint.
Q. Okay. In paragraph 18 of your declaration, you state that, for reference to anticipate, it must enable a POSA to practice the claimed invention without undue experimentation.
Do you see that?
A. Where is that?
Q. Paragraph 18.
A. Paragraph 18?
Q. Correct.
A. I thought you said page 18.
Q. No. Sorry. Just the first sentence.
A. Yep, I see that.
Q. Okay. Do you know whether there is a presumption that prior art references are enabled or a presumption that the prior art references are not enabled?
MS. JELENCHICK: Objection. Form.
A. Enabled.

Q. Do you know what "enablement" means in relation to a patent?

A. Yeah, I believe it's a function as described.

Q. And so is there a presumption, whether or not something that's described, as enabled or not enabled? Do you know? I think you said enabled. I just want to make sure.

A. I did, yes.

Q. So enabled; correct?

A. Correct.

Q. Okay. You mentioned that secondary considerations may support or rebut an assertion of obviousness; right? You sensed that about secondary considerations?

A. Earlier?

Q. Correct.

Well, do you know what "secondary considerations" are without referring to your document at this time? I'm just asking for what you know.

A. Okay. Yeah, I think those are -- of course enabling, meaning one of those secondary considerations.

Q. Do you know of any other examples of secondary considerations that you can give me as you

sit here today?

A. In practice, performance, or use. I mean, it's the three of those.

Q. Okay. Did you consider any secondary considerations in forming your opinions?

A. Well, I did research some of the specific applications, patents, to see if they were in production, commercially available.

Q. Okay. Anything else?

A. Other than reviewing the patent itself and doing that research, no.

MR. SKERIOTIS: Okay. Lunch.

We can go off the record real fast.

(The proceedings recessed at 12:08 p.m.)

(The proceedings reconvened at 12:53 p.m.; appearances as before noted.)

JONATHAN R. TEATER, resumes;

CONTINUING CROSS-EXAMINATION BY MR. SKERIOTIS:

Q. Mr. Teater, are you ready?

A. Yes.

Q. All right. We're continuing the deposition after lunch.

I want to go back real fast to the '073 patent. It may even be in the '015. Let me check. Hang on.

Yes, it is. Let's go back to the '015 patent, Figure 10.

Do you remember the discussion we had regarding reverse draw and reverse cam? Do you remember that?

A. Yes.

Q. Okay. One of the things I want to point out is that, you would agree with me, right, Figure 10 is referred to in the '015 patent as a reverse draw; correct?

A. Correct.

Q. So, I mean, if you look at the limbs -- I know it's not a crossbow, but the reason it's called a reverse draw is the way -- we term it nowadays as a reverse cam.

Do you agree with that?

A. I do agree.

Q. So the limbs are -- you know, if this were a crossbow, they would be in what would be a forward draw configuration; correct?

A. Correct.

Q. But the patent calls this a reverse cam. Okay.

I'm sorry. Reverse draw; correct?

A. Reverse draw, yes.

Q. Okay. All right. Let's go back now to your declaration. We're going to start with paragraph 27.

Let me know when you get there.

A. I'm there.

Q. Okay. And in that paragraph, you talk about creating a design concept on page 25.

Do you see that? Four lines down.

A. Yes.

Q. Okay. And that reads, quote, creating a design concept...string guides and take-up journals, moving in opposing directions to synchronize movement, end quote.

Do you see that?

A. Yes.

Q. What moves in opposing directions?

A. The string verse the cams, and I really mean the cam axles, or the limbs specifically, in that example.

Q. Hang on. You said a few things there. I'm just trying to understand it because, quite honestly, I don't understand it.

As a string is drawn back, the cams are turning -- both of them are turning -- the right side of the cam would be going counterclockwise and the

left cam would be going clockwise; correct?

A. Correct.

Q. So what moves in opposing directions? Those two cams; is that what you're referring to?

A. No. In this example, I'm referring to the actual cam movement themselves inward. And as the cams rotate inward, that contraction is in opposition of the straight angle. So those strings are going down and the cams are going in. That's the description there.

Q. But you would agree that what you've just described was not a new concept. That's what every reverse crossbow does.

MS. JELENCHICK: Objection. Form.

A. No, not every reverse draw concept does that precisely. The --

Q. Okay. But a crossbow --

MS. JELENCHICK: Please let him finish.

Q. Reverse draw crossbow prior art that existed before this would do that; correct?

A. No.

Q. Tell me what's different.

A. Some designs, particularly Kempf's designs, they had static limbs. The limbs moved not at the degree of movement that we're talking here, a

very small amount.

I had done testing on one of the Scorpyd crossbows. Precisely, I can't tell you what year that was. It was likely in this timeline. They had specific design. There was almost no movement precisely of those cams.

Q. So if we take Figure 11 and Figure 12 of the '015 patent --

A. Yes.

Q. Let's take a look at Figure 11.

A. Sure.

Q. That is a figure of Kempf's -- or one figure of Kempf's patent; correct?

A. Correct.

Q. And so how does Kempf's figure crossbow move differently than Figure 11, if they do?

A. Kempf's -- well, in this design specifically, the '15 patent, the degree of movement is far greater than in the '15 patent as opposed to Kempf's.

Q. Where does it say that in the '015 patent? Where does it talk about degree of movement of the cams?

A. So column 3, item 60, thereabouts.

Sorry. Line 60.

Q. That just says that they move inwardly. That's talking about axle distance; correct?
A. Correct. And it gives a range of distances as prescribed in 110.
Q. But you would agree that Kempf's drawing looks just like this drawing of Figure 11; correct? We're going to go through that, but...
MS. JELENCHICK: Objection. Form.
A. They're very similar.
Q. Okay. So the movement is still that the limbs are going to go inwardly toward the stock; correct?
MS. JELENCHICK: Objection. Form.
A. It depends on the design.
Q. No. No. We're talking the Kempf design versus this design. Both of them will move inwardly -- as you described it, the cams would both move inwardly. Is that correct, or not?
MS. JELENCHICK: Objection to form.
Q. Do you know what that means? Do you know what I'm getting at?
A. I do know. I also know that particular design specifically, the movement of those limbs is minimal. If it's anywhere inward -- it depends on the cam specifically. The cam design and type too.

Q. Well, if it doesn't move at all, it's not creating any energy; correct?

A. A minimum amount of movement, representatively. If you saw that particular design, the degree of movement is probably less than 2 inches maximum.

Q. But it still moved inwardly?

A. It did.

Q. So all I'm saying is that was not a new concept in the '015 patent, moving those inwardly?

MS. JELENCHICK: Objection. Form.

A. In practice, I don't know if it was new or not specifically. But the degree of movement was a nuance and --

Q. The degree of movement was more; correct?

A. Yes.

Q. Okay. That's all I'm trying to get at. It was more, but not new; correct?

MS. JELENCHICK: Objection. Form.

A. I would agree with that.

Q. Okay. Let's go to paragraphs 27 and 28. But before you read them over, all I'm asking for is why are there no citations to the '015 patent in either one of those paragraphs.

And the question is going to be, are these

your characterizations of the '015 patent or are they actual citations that you can point to that are in the '015 patent?

MS. JELENCHICK: Objection. Form.

Q. That's what I'm looking for.

A. When I drafted this, there are specific items that are concluded and described in the '015 patent.

Q. Let's take a look at 27.

Show me where in paragraph 27 -- and you can point to anything in paragraph 27. Show me where you got that from in the '015 patent.

A. So the last sentence of 27, "pulling features like the cams close to each other, creating a compact design," that is in similarity without specifics, meaning specific distances, as described in the section that we just talked about, column 3, line item 16 below.

Q. You agree, though, that's not in Claim 1, the distance between the cams; is that correct?

A. It's not specifically described in this Claim 1 section. But then the degrees of accommodation is --

Q. Hang on. Let's just talk about this compact design. That's not claimed in Claim 1;

correct?

A. Let me review Claim 1.

Q. Sure.

MS. JELENCHICK: I would just ask, Mr. Skeriotis, that you give Mr. Teater an opportunity to complete his response before you cut him off.

MR. SKERIOTIS: Yeah, I'm not cutting him off, so I disagree with that.

A. Yes, 16, column 10, item --

Q. That's not Claim 1, though, Mr. Teater. I agree with you -- you're pointing to Claim 16; correct?

A. Yes.

Q. I asked you if it's in Claim 1.

A. Claim 1 being on page 7?

Sorry. Column 7. Oh, and 8.

Hang on. Sorry.

Not specifically.

Q. Okay. So the narrowness of the cams is not a part of Claim 1; correct?

MS. JELENCHICK: Objection. Form.

A. I don't see it described here specifically.

Q. Okay. And we were talking about "pulling features like the cams close to each other, creating a

compact design," in your paragraph 27; correct?

A. Correct.

Q. Okay. So go ahead. I had asked you to point to me anywhere within paragraph 27, and you could point to the spec, to support this paragraph.

A. Or portions thereof?

Q. Yeah. Yeah. Absolutely.

A. Throughout the multiple claims that are listed?

Q. Well, preferably Claim 1, but if you want to point to other claims, that's fine with me.

A. So the degrees of rotation as described in paragraph 27 are discussed in 6.

Q. You're talking about Claim 6?

A. Claim 6.

Q. We can make that easier and just say they're not in Claim 1; correct?

MS. JELENCHICK: Objection to form.

A. It references Claim 1. Claim 1 is referenced in 6.

Q. Do you know what 6 is called? Do you know what Claim 6 is called?

A. I'm not sure I'm following you.

Q. Claim 6 is termed "dependent claim."

Have you ever heard of that phrase before?

A. I have not.
Q. It depends on Claim 1, so we call it a dependent claim. So all I'm asking you to do -- let's just keep it with respect to Claim 1.
A. I understand.
Q. Anywhere else, in the whole patent specification, to support anything else that you have in paragraph 27?
A. So string guides and take-up journals is described in here, right, Claim 1, column 8, 10.
Q. But that says "creating a design concept that utilizes features integrated with a cam such as string guides and take-up journals."
Now, you're not claiming that this patent created a design concept of a cam with a string guide and take-up journal, are you?
MS. JELENCHICK: Objection. Form.
A. I'm not specifically making that claim.
Q. Okay.
A. But I am making reference to the cabling features, specifically as it relates to the journaling and the related planes of rotation and axle movement, which is referenced in 27, a part of the functionality of the system in the rotation.
Q. But again those are not part of Claim 1,

the degrees the rotation; correct?

MS. JELENCHICK: Objection. Form.

A. Correct.

Q. Okay. Let's turn to paragraph 28.

Is there anything in 28 that you can point to supporting your position in 28?

MS. JELENCHICK: Objection. Form.

A. It talks specifically about the axles or anchor points. This would be in reference to hybridized cams or hybridized cam drawing systems, which are typical of this day and age. Dual cam systems, which again --

Q. What was the first word that you used about cams?

A. Hybridized cams.

Q. Can you spell that?

A. H-Y-B-R-I-D-I-Z-E. Or hybrid cam. Those are like yoke systems.

Q. Is there any disclosure of a yoke system in the '015 patent?

A. No, and that's specifically the point. This is very specific that the -- cam and cam timing is essentially, you know, in concert with each other through the entire cam system. There isn't any separate cabling towards outer portions of limbs, et

cetera, as described in here.

Q. And that was not something that was done before this '015 patent was filed?

A. In the compound bow market.

Q. Okay. Paragraph 28 also talks about narrow cam configurations.

Do you see that? The beginning of paragraph 28.

A. Yes.

Q. Are you aware the word "narrow" is not in the '015 patent?

MS. JELENCHICK: Objection. Form.

A. I'm not sure of that without reviewing it line by line.

Q. Okay. As you sit here, you don't know offhand whether or not the word "narrow" is in the '015 patent as you sit here?

It's a factual question. I'm just asking, as you sit here, if you know that to be true or not.

A. I do not.

Q. Okay. In paragraph 28, your declaration talks about limbs being, quote, preloaded to establish higher poundage at the start of the drawing sequence, period, end quote.

Do you remember that?

A. Yeah.
Q. Okay. No claim recites preloading limbs or reciting any specific poundages at the start of the drawing sequence, does it?
MS. JELENCHICK: Objection. Form.
A. It does not refer to preloaded limbs.
Q. In fact, it's not in the patent at all, is it, preloading?
MS. JELENCHICK: Objection. Form.
A. I believe that's correct.
Q. Also in paragraph 28, you state, quote, Many designs during this period used control or power cabling connected to the limb's axles or anchor points of the limbs to establish control of cam and cam timing; this also established and supported increased limb deflection opportunities reducing the crossbow width, period, end quote.
Do you see that?
A. Yes.
Q. Can you explain to me what that means?
A. So what the designs were intended to do was to protract or narrow the limbs based upon specific rotation of the cams, in concert or opposition. So the opposing cam would pull in the opposing limb and vice versa.

Whether it was hybridized, hybrid cam orientation or dual cam orientation, those type of cams, which is quite popular for timing purposes with the goal of -- to the second point of establishing control of orientation and synchronization so to minimize, like, obscure knot travel, which is critical in the designs in those periods.

Q. Okay. Let's turn to the prior art of Darlington, and that should be Exhibit 1013.

Let me know when you're there.

A. I'm there, John.

Q. Okay. So I'm going to ask you questions, and you're more than welcome to take your time and review what you need to review. Okay?

A. Okay.

Q. All right. Darlington teaches the desirability of a higher level of stored energy and increased power strokes -- or power stroke, which results in better performance; agreed?

MS. JELENCHICK: Objection. Form.

A. I believe that's not true.

Q. Let's go to numbered paragraph 3. These are a little different. So there's numbered paragraphs in this disclosure. So do you see 3?

A. Right here.

Q. So go to the bottom of paragraph 3, and at the very bottom, it says "and makes it possible to get a higher level of stored energy to peak weight from the bow."

Do you see that?

A. I do.

Q. Okay. Let's go to paragraph 15, and it says "In another embodiment, the cams are reversed in orientation with the bowstring positioned horizontally between cams and the riser so the power stroke can be increased, which results in better performance."

Do you see that?

A. Yes.

Q. Okay. And finally paragraph 42. At the very top of the page, it says that reverse draw configuration increases the distance that the bowstring 32 can be pulled away from the riser, thereby increasing the power stroke and improving the performance of the crossbow 10.

Do you see that?

A. Reference 10?

Q. Yes.

A. Yes.

Q. So back to my question. He teaches, Darlington, the desirability of a higher level of

stored energy and increased power stroke, which results in better performance; correct?

MS. JELENCHICK: Objection. Form.

A. Based on the referenced paragraphs, I would say yes.

Q. Okay. Let's turn to Norkus, Exhibit 1010.

Are you there?

A. Yes.

Q. Okay. Let's go to -- well, let me just ask you this. Norkus likewise -- "likewise" with respect to the Darlington -- teaches the desirability of more energy storage, which is directly impacted by an increase in power stroke.

Would you agree with that?

A. Is there a reference that you're citing?

Q. We can go to column 1, lines 55 to 62.

A. Yes, it does reference increased power stroke.

Q. So Darlington and Norkus both teach the desirability of increased power stroke to increase energy; correct?

A. Yes.

Q. And that's common sense; right? To a person of ordinary skill in the art, you increase the power stroke, you're going to typically get more

energy. Fair?

A. In most instances, yes.

Q. Now, Norkus teaches that the longer the power stroke -- or check that.

Norkus teaches that the longer power stroke is accomplished by allowing the cams to rotate more than once; correct?

MS. JELENCHICK: Objection. Form.

A. What section are we referring to?

Q. Column 3, lines 2 to 7.

A. I just want to see what 24 and 26 are.

Do you know what figures those are in?

Q. Figures 5 and 7.

A. Okay. So could you repeat the question, John?

Q. Yes. Norkus teaches that the longer power stroke is accomplished by allowing the cams to rotate more than once; correct?

A. Yes.

Q. Okay. And Norkus teaches to do that by using a helical cable journal; correct?

MS. JELENCHICK: Objection. Form.

A. Could you refer to the helical section, John?

Q. It's the same. It's lines 5 to 7.

A. Do they reference the word "helical"?
Q. In 5 to 7, yes.
I'll read it for you. "The grooves 30 for the cables 24 and 26 are helical in shape and also have the capacity for two full wraps."
A. Then, yes.
Q. So based upon the teaching of Norkus, if a person of ordinary skill in the art -- if a POSA wanted to start with Darlington for a crossbow and then add in the known desirability of increasing energy by increasing the power stroke, we know that Norkus says use helical cams to do that; correct?
MS. JELENCHICK: Objection. Form.
A. As it relates to Darlington or as it relates to Norkus?
Q. If a person of ordinary skill in the art started with Darlington, took the crossbow of Darlington --
A. I'm not sure why they would do that.
Q. No. No. We're not getting into whether or not why they would do -- well, we've already said why they would want to do it. They want to increase power stroke to increase energy; correct?
A. Power stroke to increase energy is correct.

Q. And to do that, Norkus says use helical cams; correct?
A. Helical cams is a component of the design.
Q. That's correct. Yes?
A. That will give them more rotation.
Q. And therefore longer power stroke; correct?
A. Potentially. It's in concert with the other cabling and pulley system that's integrated in the system. It's a quad pulley.
Q. So yes, though; right?
MS. JELENCHICK: Objection. Form.
A. Not in design.
Q. All I'm asking is, if you use helical cams, you will increase the power stroke, thereby increasing the energy, according to Norkus?
MS. JELENCHICK: Objection. Form.
A. Not necessarily, because the pulley system that's integrated into it may or may not accept those helicals to allow for increased power stroke.
Q. I'm sorry. I'm not asking you for whether or not you could feasibly do it just yet. We're talking about -- if I look at Norkus, he teaches increase the power stroke by using helical cams; correct?

MS. JELENCHICK: Objection. Form.
A. Yes.
Q. And then I can increase energy; correct?
MS. JELENCHICK: Objection. Form.
A. There's potential to do that. It has the potential.
Q. Okay. So if I started with Darlington, and I take Norkus's cams, I will increase the power stroke of Darlington by using helical cams, according to Norkus?
MS. JELENCHICK: Objection. Form.
A. No. Because the Norkus design specifically has integrated pulley systems that are the mechanical advantage -- benefactor of that design, where Darlington does not have multiple cams and pulleys.
Q. If I took the cams out of Norkus and made them helical in Darlington, I could do that -- I would be motivated to do that if I wanted to increase the power stroke to increase energy; correct?
A. In Darlington's design, he doesn't want the helical system integrated.
Q. I'm not asking what he wants. I'm just asking you if I could use a helical cam and put it into Darlington's system.

A. If you made that election to do that, there would be fundamental benefits potentially.

Q. So if I came to you, as a person of ordinary skill in the art, and I said, "Mr. Teater, I want a helical cam such as Norkus on my Darlington crossbow," would you be able to do that? You're free to do whatever you want. Could you do it?

I'm not asking you how to do it. I'm asking if you could figure out how to do it.

A. Yeah, anybody could figure out how to do that.

Q. That's all I need to know.

Let's turn to Figures 9 to 12 in Darlington.

A. Okay.

Q. Well, hang on. Let's start with Figure 2. I'm sorry.

A. Okay.

Q. One key teaching of Darlington is to maintain the balance of the cams to avoid twisting forces on the limbs; correct?

A. Yes.

Q. Okay. Would you agree that if Darlington's shoot-through design -- are you aware of the shoot-through design disclosed in Darlington?

A. Yes.
Q. Would you agree that if Darlington's shoot-through design had helical power cable take-up journals, that it would meet each and every limitation of Claim 1 of the '015 patent?
MS. JELENCHICK: Objection. Form.
A. State that again, John.
Q. Take a look at Claim 1 of the '015 patent.
A. Okay.
Q. If Darlington had helical power cable take-up journals in it, would it meet each and every limitation of Claim 1?
MS. JELENCHICK: Same objection.
A. If you're saying you took the '15 patent and applied it to Darlington and just integrated it --
Q. I'm sorry. No. If you took Darlington's disclosure of a shoot-through design --
A. Yep.
Q. -- and you added helical cams to it -- let's just presume they work.
A. Okay.
Q. Would it meet each and every limitation of Claim 1 of the '015 patent?
MS. JELENCHICK: Objection. Form.
A. If it was designed like the '015 patent

specifically?

Q. No. No. If it was designed like the Darlington patent with helical power cable take-up grooves.

A. No.

Q. All right. What would it be missing in Claim 1?

A. It would be missing --

Q. It has to come from Claim 1 for my question.

A. Yes.

Q. Okay.

A. So what would the claim be missing in relationship to this one?

Q. No. What would the -- what is not found in Claim 1 from Darlington with a helical power cable take-up journal shoot-through design?

MS. JELENCHICK: Objection. Form.

A. That's a tough question to answer, to be honest with you, because --

Q. That's okay.

A. -- there's a multitude of --

Q. Let's go through it.

Is the Darlington --

MS. JELENCHICK: Excuse me. Let him

finish his response.

Q. Were you done?

A. I guess the only question I have, John, is -- I'm having a hard time trying to describe these patents in concert when they're drastically different in design.

Q. Okay. We'll go through it.

A. Okay.

Q. Are you done?

A. Yeah.

Q. Okay. If I'm interrupting you, just say "I wasn't done." That's fine. I'm not intending to interrupt you. I just figured you were done, and we'll get on with it.

A. Understood.

Q. Is Darlington a crossbow? Does it disclose a crossbow?

A. Yes.

Q. In the shoot-through design?

A. Yes.

Q. Okay. That's what we're referring to, is the Darlington shoot-through design. Okay?

A. Yep.

Q. Does it have a central portion comprising a down-range side and an up-range side?

A. Yes.
Q. You'll have to speak up for the court reporter.
A. Yes.
Q. Does it have a first and second flexible limb to patch to the central portion?
A. Yes.
Q. Does it have a first string guide mounted to the first bow limb?
A. I'm not exactly sure how they're mounted, to be honest with you.
Q. Does it have a first string guide connected to the first bow limb?
MS. JELENCHICK: Objection. Form.
A. Is there a reference to that, John?
Q. No. I'm just asking you from the drawings and the disclosure of that if it has a first string guide connected to the first bow limb.
A. I'm not sure if it's directly connected to the axle or the top of the limb. I cannot recall without reviewing the patent. I think it's dual cam, so -- and we're talking about the parallel design. It has a multitude of designs in here for crossbows.
The shoot-through system specifically?
Q. Correct.

A. All right. So those are tied to the axles.

Q. So that would -- I'm not putting words in your mouth. Is that a "yes" to my question?

MS. JELENCHICK: Objection. Form.

A. Restate the question.

Q. Okay. That's fine.

Does the Darlington shoot-through design disclose a first string guide mounted to the first bow limb?

A. I cannot recall that being the case, as is stated in here.

Q. Is the first string guide attached to the first bow limb?

MS. JELENCHICK: Objection. Form.

A. No. I think it's tied to the let-off groove specifically.

Q. What figure are you looking at in Darlington so I know?

A. I'm actually looking at the verbiage in the summary of the invention.

Q. That's okay. Let's take a look at the drawings.

A. Okay.

Q. What shoot-through design are you looking

at?

A. I was looking at Figure 10. So it would be 10 and 11.

Q. And Figure 10, you don't know, as a person of ordinary skill in the art, whether or not the cam is mounted to the limb. Is that your testimony?

A. The cam is mounted to the limb.

Q. Okay. So that --

A. But you were talking about the -- that was not the question, though.

Q. Oh, okay. Does it have -- a first string guide, isn't that a cam?

MS. JELENCHICK: Objection. Form.

A. No.

Q. Okay. What is a first string guide?

A. It could be a module.

Q. No. No. We're talking about Claim 1 of the '015 patent. What is a first string guide?

A. Going back to the '15 patent?

Q. That's where we're at, yes, Claim 1.

A. Sorry.

Q. No, that's okay.

A. I was on that one.

The first string guide is the -- on the cam, the inner -- sorry -- the track of the string.

Q. Okay. So you're telling me -- now I'm going to ask you this. Hang on. So it says "First string guide mounted to the first bow limb."

Do you see that in Claim 1?

A. Yes.

Q. What does that mean to you? That means that the inside track is mounted to the first bow limb?

A. The first string guide mounted to the first bow limb, so the string guide is actually referred to as the cam.

Q. So that's all I asked.

Let's go back to Darlington.

A. Yep.

Q. The cam is mounted to the first bow limb; correct?

A. The cam is mounted -- correct.

Q. All right. And it rotates around a first axis; correct?

A. Correct.

Q. And it has a first string guide comprising a first draw string journal; correct?

A. They didn't call it that. I think they called it a groove.

Q. But they have a draw string journal?

A. A take-up groove.

We're talking about the control cables, the power cables?

Q. No. We're talking about the string. We're going back to Claim 1.

A. Yep.

Q. The first string guide comprises a first draw string journal; correct?

A. Yes. Sorry. Yes.

Q. And it has a first plane of rotation perpendicular to the first axis; correct?

A. Correct.

Q. And if we incorporate the Norkus helical cam into Darlington, it would have a first helical power cable take-up journal; correct?

MS. JELENCHICK: Objection. Form.

A. Are you asking is it integrated onto the cam?

Q. If we took the Norkus cam of a helical power cable take-up journal and added it to Darlington, it would meet this limitation of Claim 1; correct?

MS. JELENCHICK: Objection. Form.

A. I don't believe that to be the case.

Q. What is it missing from a first helical

power cable take-up journal?

A. It would have to be concluded that the cam would have to be modified to accept that, and I'm not exactly sure how they would do that in this design.

Q. That wasn't what I asked you. I just asked you if I took Norkus's cam and put it into Darlington and I made it work, it would have a first helical power cable take-up journal; correct?

MS. JELENCHICK: Objection. Form.

A. Not in the Norkus design because the Norkus design is contingent on multiple pulley systems.

Q. I'm just taking the Norkus cam. That's all. His helical cam.

A. Just a portion of it? Just pulling a piece out of it?

Q. Just taking the cam of Norkus that has a helical power cable take-up journal --

A. Sure.

Q. -- and I'm taking the cam off, and I'm putting it into Darlington and making it work.

A. Okay.

Q. Would it meet that limitation, then, of a first helical power cable take-up journal?

MS. JELENCHICK: Objection. Form.

A. If it was positioned on the cam currently, yes, it could.

Q. Okay. And it would extend in a direction perpendicular to the first plane of rotation of the first draw string journal; correct?

A. In the shoot-through design, he doesn't have a reverse -- his drawing doesn't have a reverse -- well, this one doesn't. Yes, it could -- if it was the reverse cam system, then yes.

Q. Okay. And then the next paragraph -- go back to -- let me know when you're ready.

A. Okay.

Q. Let's go back to Claim 1.

The second string guide, that's just the same as the paragraph above, just first and second are replaced. Would you agree with me?

MS. JELENCHICK: Objection. Form.

A. Just number 2, you're saying?

Q. The paragraph beginning with a second string guide is the same paragraph as the preceding one that starts off with a first string guide except for the fact that it's replaced the word "first" with "second"; correct?

A. We're looking at number 2 as compared to Claim 1?

Q. Sorry. Let me help you.
A. Yes.
Q. This says a first string guide?
A. Yes.
Q. This paragraph just says the same thing as this paragraph except this is a second string guide?
A. Correct. Yep.
Q. Okay. And then the next paragraph begins with a draw string.
Do you see that?
A. Yes.
Q. Okay. So Darlington would have a draw string received in the first and second draw string journals; correct?
A. In his design, it could have that.
Q. And they're secured in the crossbow in a reverse draw configuration; correct?
A. It could have that, yes.
Q. With the draw string adjacent to the down-range side of the string guides in a release configuration; correct?
A. Yes.
Q. Okay. Wherein the draw string translates from the down-range side toward the up-range side and then winds between the first and second string guides

to a drawing configuration; correct?

A. Darlington does not prescribe that first -- in any detail.

Q. Well, what's it missing?

A. It doesn't have the take-up or take-down aspects of it around the axles.

Q. You've lost me.

A. It doesn't describe that in the Darlington.

Q. Where are you?

A. You're on 6 or 5? Excuse me.

Q. We're not on any of these. We're on Claim 1. We're right here, Claim 1. We are right in here, and we're going down. Right here and going down.

A. Okay.

Q. Okay. So we are at a draw string received -- we've already gone through that. We're now along the lines of the translates, from the down-range side toward the up-range side, and unwinds between the first and second string guides to a drawing configuration.

There's nothing new there; right?

A. No.

Q. So Darlington has that; correct?

MS. JELENCHICK: Objection. Form.

Q. It's saying you're pulling the draw string backwards, and it's going from the top to the bottom; correct?

A. Yeah, it does. I don't know if specifically Darlington makes that exact reference verbatim.

Q. Well, it's in the pictures, though; right? It's in the figures, and it's the normal operation of a reverse draw crossbow; correct?

A. It is, but we didn't relate -- sometimes in the pictures it doesn't describe everything substantially.

Q. But it's a typical reverse draw crossbow configuration in Darlington; correct?

A. Yeah. But he doesn't describe that in that type of detail, I don't believe.

Q. I'm not asking if he describes it. I'm asking you if a person of ordinary skill looking at his figures would understand that.

A. They would.

Q. Okay. Let's keep going.

The same thing. Now we're going to go to the next paragraph. Okay?

A. Yep.

Q. So we're going to go there.

A first power cable received in a first helical power cable take-up journal, that would be met; correct?

MS. JELENCHICK: Objection. Form.

A. How would it be met?

Q. By the Norkus cam. A power cable would go into the first helical power cable take-up journal.

A. If you were to modify -- if you were to add that portion of the cam into it?

Q. Correct.

A. Norkus's cam has an --

Q. Hang on. We're just taking the cam of Norkus, and it's got a helical power cable take-up groove -- correct? --

A. Yes.

Q. -- and we're just putting that on Darlington. So all this one is saying is you're going to take the power cable, and it's just going into the helical cam, that's all; correct?

MS. JELENCHICK: Objection. Form.

And again, Mr. Skeriotis, I would appreciate it if you would let Mr. Teater finish his response and not cut him off before he's --

MR. SKERIOTIS: That's coaching the witness, and I've already told him that if he

doesn't --

Q. Mr. Teater, I'll tell you again, and I apologize. If I'm cutting you off, please say so.

MR. SKERIOTIS: Ms. Jelenchick, that is coaching the witness, and I will ask --

MS. JELENCHICK: Disagree.

MR. SKERIOTIS: Can I finish? Thank you.

You are not allowed to tell him that. He knows that if I cut him off -- I've told him now twice to tell me that, he knows that, and I've asked him to express that understanding, and he has.

This is -- you do that again, and we'll call the Board, and I've got the phone number.

MS. JELENCHICK: Let's do it. Let's call the Board. I've asked you no less than six times to stop interrupting the witness.

MR. SKERIOTIS: And he has not told me I've cut him off. So if the deponent, who you're not representing, hasn't told me that, why are you?

Thank you.

Q. Continue.

MS. JELENCHICK: I'm not finished responding.

Mr. Teater, has Mr. Skeriotis cut you off in certain of your responses today?

MR. SKERIOTIS: Hang on. Hang on. You can get your deposition -- your questions when it's your turn. This is cross-examination. You can ask him that when we're done, not right now.

MS. JELENCHICK: I intend to.

MR. SKERIOTIS: Okay.

MS. JELENCHICK: But, Mr. Skeriotis, this isn't how it works. You asked him a question. He's entitled to complete his answer.

MR. SKERIOTIS: He hasn't stopped me to tell me I'm interrupting him. That's not been my intention, and he hasn't observed it that way.

MS. JELENCHICK: I disagree.

MR. SKERIOTIS: Okay.

MS. JELENCHICK: I think you're intentionally doing it.

MR. SKERIOTIS: And you're doing it to a person you don't represent.

Thank you.

MS. JELENCHICK: Let's go back to that point. I'm here on behalf of the patent owner. Mr. Teater is offering testimony in support of patent owner's position.

I don't need to be his personal lawyer to be here today, lodging objections, for the purposes of

this cross-examination. Show me the authority where that needs to be the case. You can't because that isn't the case.

MR. SKERIOTIS: It's because I haven't done -- I'm sorry. I don't have that kind of authority at my fingertips, Ms. Jelenchick, but thank you.

In any event, let's get back to it.

Q. Mr. Teater, again I'll express it to you for a third time. I'm not intending to cut you off. So please, by all means, and I stress the word "please," let me know if I stop an answer. Okay?

A. Yes.

Q. Okay. That's all I'm trying to do.

We are on the first power cable received in a first helical power cable take-up journal. So do you agree that if we took the cam of Norkus that has a helical power cable take-up journal and attach the power cable to it that that would be met in that element of Claim 1?

MS. JELENCHICK: Objection. Form.

A. Essentially we're monsterizing this design?

Q. No. No. All we're doing is taking -- in this claim element, all we're doing is taking a power

cable and saying it's received in a power cable take-up journal.

A. And inserting that it's helical in form?

Q. Well, we already said that the Norkus was helical. We've already gone over that.

A. All right.

Q. That's all we're doing. We're just saying that the power cable is in the power cable take-up journal.

A. Yeah. It's not designed that way, but --

Q. The Norkus is designed that way; correct?

A. It's only designed that way to institute enough rotation around that pulley to create mechanical advantage, which they're doing it in a different way than as described in Darlington.

Q. Well, we're not talking about Darlington now. We're talking about Norkus.

A. Norkus?

Q. Yes. And Norkus teaches a helical power cable take-up groove; correct?

MS. JELENCHICK: Objection. Form.

Q. We've already gone over that?

A. Yes.

Q. And we said yes?

A. It does.

Q. Okay. All I'm saying is it receives a power cable; correct?

MS. JELENCHICK: Objection. Form.

A. I don't know if it receives -- it's got the same terminology as power cable generally.

Q. But the drawings show that Norkus teaches receiving a power cable in the helical power cable take-up journal; correct?

MS. JELENCHICK: Objection. Form.

A. Yes, it does reference that.

Q. Okay. So let's keep going. Let's go back to Claim 1 of the '015 patent.

A. Okay.

Q. And the next paragraph is just a second power cable take-up journal, and nothing new; correct?

MS. JELENCHICK: Objection. Form.

Q. It's the same thing as the preceding paragraph, except first became second; correct?

A. Correct.

Q. Okay. And then the last paragraph says "wherein the bow is drawn from the release configuration to the drawn configuration, the first and second power cables wrap onto the first and second helical power take-up journals"; right?

A. Yes.

Q. "And are displaced along the first and second axes away from the first and second planes of rotation of the first and second draw string journals respectively."

Did I read that correctly?

A. You did.

Q. Okay. And so Norkus does teach that cam in that manner; correct?

MS. JELENCHICK: Objection. Form.

A. I need to review Norkus again, John.

Q. Sure. Take a look at --

A. So the cam is positioned -- just for clarity, the cam is positioned rearward in a fixed -- we'll just call it a riser just to be simple. It sits on an axle. Its positioning is different from the pulley system.

The pulley system doesn't have the same orientation as the cam system. These are helicals. Hence it's a quad system and not a singular cam.

Q. We're not talking about that. We're just talking about the cam on Figure 7.

A. Item 18 and 20?

Q. No. Figure 7. Go to Figure 7.

A. Check.

Q. And just that cam. That's all we're

talking about.

A. Okay.

Q. That has the power cable moving away from the attachment point 34, correct, when it winds?

A. Yeah. And its interfacing is not that of the Darlington design.

Q. No, it's not. That's what I'm saying. The cam is -- I'm sorry. The power cable is attached at 34; correct?

A. "The power cable is attached at 34," explain that to me.

Oh, that post? This post right here?

Q. Yes.

A. Yes.

Q. Okay. And then, as it winds, it's winding away from 34, the attachment point; correct?

A. Yes, that would wind away.

Q. Okay. That's all I need to know. Thank you.

MS. JELENCHICK: I would like to take a break.

MR. SKERIOTIS: No, we're not taking a break. For what?

MS. JELENCHICK: So I can use the washroom.

MR. SKERIOTIS: I apologize. Okay. That's fine.

(The proceedings recessed at 1:53 p.m.)

(The proceedings reconvened at 2:00 p.m.; appearances as before noted.)

JONATHAN R. TEATER, resumes;

CONTINUING CROSS-EXAMINATION BY MR. SKERIOTIS:

Q. Mr. Teater, we took a break; right?

A. Yep.

Q. And we just came back; right?

A. Yes.

Q. I noticed, when you were sitting here, Ms. Jelenchick asked you to come outside. What did she talk to you about?

A. She just told me to slow down, relax.

Q. She's not your lawyer, is she?

A. No.

MR. SKERIOTIS: I object to coaching the witness, once again. She knows better than to do that, but we'll take that up, Ms. Jelenchick, at another time.

MS. JELENCHICK: I object to that characterization.

MR. SKERIOTIS: He said you coached him, to tell him to slow down.

A. Hang on. She didn't say "slow down."
Q. What did she tell you?
A. I said I need to slow down.
Q. What did she tell you?
A. She didn't say anything to me.
Q. She asked you to come out there, did she not?
MS. JELENCHICK: I said --
MR. SKERIOTIS: I'm not asking you. I'm asking him.
A. She asked me do I need a bathroom break, and then I spoke to her.
Q. And you went around the corner, and she stopped and spoke to you. I saw it.
A. I spoke to her.
Q. And what did you tell her?
A. I don't remember at this point, but it wasn't -- I said I think I need to slow down.
Q. She didn't ask you to come out there and talk to her?
A. No. She didn't say a word to me. She didn't say a word to me in that respect.
Q. I didn't ask you that. I asked you if -- she asked you to come out there because she wanted to talk to you. She said that.

A. She didn't say she wanted to talk to me. She asked me if I needed to go to the bathroom.

Q. Why would she ask you if you needed to go to the bathroom?

A. Because I did need to go to the bathroom.

Q. We'll let that go. Let's just note you're under oath and you're here to tell the truth, Mr. Teater.

A. I have been telling the truth.

Q. I hope so, because I'm not quite sure that was the truth. But that's okay, I won't go into that.

MS. JELENCHICK: Mr. Skeriotis, that is entirely inappropriate.

MR. SKERIOTIS: Ms. Jelenchick, every deposition we've had between Ravin and TenPoint you have asked every single time we took a break of my witnesses whether or not they spoke to me. So you know better than anybody not to speak to a witness while they are being deposed, yet you did it here today.

MS. JELENCHICK: No. I think, if you go back to those deposition transcripts, you'll find that my question was whether they spoke to counsel about the substance of their testimony.

MR. SKERIOTIS: Well, since you don't

represent him, I can go further here today, and that's why I did. You're not allowed to speak to him at all about what he's testifying to today, yet you just tried, in my opinion, to coach him on what to say.

MS. JELENCHICK: Well --

MR. SKERIOTIS: But we'll leave that as it may.

MS. JELENCHICK: I disagree.

MR. SKERIOTIS: Here's the point. The next time we have a break, don't talk to him. That makes it a lot easier, because you have nothing to say to him.

Fair?

MS. JELENCHICK: I don't take direction from you, Mr. Skeriotis.

MR. SKERIOTIS: Well, then we'll find out.

Q. Mr. Teater, let's go back to Darlington now, and let's take a look at Park, which would be Exhibit 1009.

Are you familiar with Park?

A. I read through it.

Q. When was the last time you read through --

A. Two days ago.

Q. Okay. Would you agree that Park discloses a helical power cable take-up journal?

A. Do you have a specific reference?
Q. You said you read it a couple of days ago. I would expect you to be familiar with whether or not it has the most central thing we're talking about in this IPR, so the answer to that would be "no."
A. I don't remember referencing that specifically.
Q. Does it have a -- I didn't ask you for references. I'm asking you if it discloses a helical power cable take-up journal.
A. I don't believe so.
Q. Let's turn to Figure 16.
A. Okay.
Q. Does that disclose a helical power cable take-up journal in Figure 16?
A. No.
Q. So does Figure 17 show a helical power cable take-up journal?
A. These look like the cams, not a module or otherwise, as referenced in the '15 patent.
Q. Yeah, I'm not asking you that. I'm just asking you whether or not they disclose a helical power cable take-up journal.
A. Not by name.
Q. I didn't say by name. I didn't ask you if

it said it specifically. I'm asking you if the figures show a helical power cable take-up journal.

A. What figures?

Q. Any of the figures. Look at all of them.

A. I don't see that specifically referenced or identified, even in description or in the drawing.

Q. You don't think anything in there is a power cable?

A. No, not as described.

Q. So is the buss cable, as referenced in there, a power cable?

A. A buss cable could be contributed to a control cable, which is different from a power cable.

Q. What's a control cable versus a power cable?

A. The control cable's intention is only to provide limitation or control of movement, or control and twisting or torquing of axles or axes, those type of things.

Q. Can you tell me anything that you're aware of at any time that has a control cable in that crossbow?

MS. JELENCHICK: Objection. Form.

A. Yeah. I mean, do you want an example?

Q. Sure.

A. KMX.
Q. KMX has a control cable, and it's not a power cable?
A. They refer to it as a control cable.
Q. I didn't ask you if they refer to it as. Is it a power cable or a control cable? You said there's a difference between a power cable and a control cable; correct?
A. Correct.
Q. Okay. So do they have a control cable that is not a power cable?
MS. JELENCHICK: Objection. Form.
A. In this design?
Q. No. You said a KMX.
A. Oh, KMX. I would have to have the design in front of me, but --
Q. You referenced it, Mr. Teater.
A. And I believe that they call that a control cable.
Q. I didn't ask you what they called it. I asked you is it a power cable.
A. The definition of a power cable is somewhat obscure and it's specific to the specific type of cam configuration.
Q. What is a power cable to you?

A. In a binary system, it's a linkage system. So that's why they refer to it as a power cable.
Q. What does a power cable mean to you?
MS. JELENCHICK: Objection. Form.
A. In essence, it's designed to help support the overall configuration, meet the mechanical advantage threshold of increasing some level of degree. And I don't know what that percentage would be, or obligation that would be, but --
Q. Doesn't a power cable pull the limbs together?
A. It could have function in that. Most likely it does.
Q. That's its primary function, is it not?
MS. JELENCHICK: Objection. Form.
A. Normally.
Q. That's its primary function, as you understand it; correct?
A. Correct.
Q. Okay. So going back to Park, does it have a power cable shown in any of the cams or any of the figures?
MS. JELENCHICK: Objection. Form.
Q. Strike that.
How about this? Is there any cam

disclosed in Park that accepts a power cable period?

A. I've never read that that way in this design.

Q. Let's turn to paragraph 87 of Park, and read that over for me to yourself.

A. Okay.

Q. Does that help clarify anything for you regarding whether or not Park discloses a power cable?

MS. JELENCHICK: Objection. Form.

A. I don't think it describes a power cable.

Q. Okay. So as far as you're concerned, the entire disclosure of Park does not disclose a power cable. Is that your testimony here today?

A. Correct, not in terminology or in drawings.

Q. So let's turn to paragraph 25.

And in 25, it talks about the cams; correct?

A. Yes.

Q. Okay. Are you done with that, reading that, because we're going to move on? We're going to do these sort of together.

A. Yep. Okay.

Q. Let's go to paragraph 31.

So it says -- it talks about a cam

rotating at 360 degrees in a compound bow, and it also talks about a pulley, a string, a riser, and a buss cable.

And according to you, a buss cable is not a power cable; correct?

A. Correct.

Q. Okay. Do you see that?

A. Figure 4? You want me to look at the figure?

Q. No, we don't have to at this point.

Let's go to paragraph 35, it's Figure 8, and it talks about the cam rotating 540 degrees.

Do you see that?

A. Yep.

Q. Okay. And then let's go to paragraph 98.

A. Okay.

Q. And it talks about the cam rotating up to 540 degrees.

Do you see that?

A. Yes.

Q. And if we keep going into the next page of Park, on page 29, top of the column, it talks about rotating 900 degrees; correct?

A. Yes.

Q. What do you think, as a person of ordinary

skill in the art, is rotating around at least 900 -- or up to 900 degrees? Is it the string? What is it?

A. Is it that quad cam, again, that seems to be unrelated?

Q. I'm just asking you what is winding up. Is it the string, the buss cable? What is it?

A. I can't tell you at this point looking at these designs.

Q. So you've reviewed this patent and, as you sit here today in your deposition, you knew I was going to ask about it; correct?

A. I didn't know what you were going to ask me.

Q. Well, you knew I was going to ask you about your declaration; correct?

A. Correct.

Q. And this is in your declaration; correct?

MS. JELENCHICK: Objection. Form.

Q. Is this Park Exhibit 1009 referenced in your declaration?

A. Yes, I'm sure it is.

Q. And so you knew I was going to ask you about your declaration here today; correct?

A. Yes.

Q. Okay. Thank you.

And as you sit here today, though, you don't know how this Park 1009 works. Is that fair to say?

MS. JELENCHICK: Objection. Form.

A. Correct. I don't believe it's described well enough.

Q. Okay. Let's turn to Stanziale '302. It's Exhibit 1007.

First, let me ask you, the device shown in Exhibit 1007, Stanziale '302, is that a crossbow?

A. Yes.

Q. Do you know or heard of Mr. Stanziale?

A. I do not know Stanziale.

Q. Have you ever met Mr. Stanziale?

A. I don't believe so.

Q. Okay. Were you aware of Mr. Stanziale prior to being hired by Ravin in this proceeding?

A. No.

Q. Have you done any research on Mr. Stanziale?

A. No.

Q. None at all?

A. None.

Q. So you don't know, if I were to ask you, how many patent applications he has on firing devices?

A. I would have no idea.
Q. Okay. Do you agree that Mr. Stanziale discloses a helical power cable take-up journal in Exhibit 1007?
MS. JELENCHICK: Objection. Form.
A. I don't.
Q. You don't agree?
A. No.
Q. Okay. Why not?
A. It's not described that way in similar fashion as compared to the '015 patent.
Q. But, Mr. Teater, not everything is going to use the exact same wording from one patent to another.
Do you agree with that?
A. Yes.
Q. So what we have to do is surmise -- when somebody says something and calls it something different, we, as a person of ordinary skill in the art, are supposed to understand what they mean; correct?
A. Understood.
Q. Okay. So just because he might not say "helical power cable take-up journal" doesn't necessarily mean it's not disclosed. Is that fair?

MS. JELENCHICK: Objection. Form.
A. It's a pretty specific reference.
Q. Well, when we say "helical power cable take-up journal," we just mean a helical cam, correct, that accepts a power cable?
MS. JELENCHICK: Objection. Form.
A. Not necessarily.
Q. Well, how is a helical cam for a power cable different than a helical power cable take-up journal?
A. How do they function? Do they function for a different purpose?
Q. No. Exactly the same. They function to allow the power cable to rotate more than 270 degrees away from the attachment point.
MS. JELENCHICK: Objection. Form.
A. I think between -- the two designs are very different.
Q. I'm asking how; right? So you tell me they're different. Tell me how.
On this hand, I've got a helical power cable --
A. Yep.
Q. -- groove in a cam --
A. Sure.

Q. -- that accepts a power cable, and it goes more than 270, and it goes away from the attachment point.

A. Right.

Q. On this hand, I've got a helical power cable take-up journal.

What's the difference?

A. In this example here? Specifically, the '302 example?

Q. No, just in general. You're the one who said what you said. You can look up because I'm not talking about reference. I'm asking what's the difference, as a person of ordinary skill in the art, which you say you are, between a helical cam and a helical power cable take-up journal?

MS. JELENCHICK: Objection. Form.

A. It sounds like they're independent components in your description. One is interface and one has a different purpose.

Q. No. They both have the same purpose. What's the different purpose?

A. In this example --

Q. No, Mr. Teater, don't look at the example. I'm not referencing anything.

A. Okay.

Q. Maybe it will just help you to close your book.
A. I won't look.
Q. Okay. Don't look at it.
In this hand, I've got a helical cam.
A. Sure.
Q. It has a groove for a power cable, and it's helical?
A. Yes.
Q. And it accepts a power cable?
A. Yes.
Q. And it goes more than 270 degrees. Okay? And it goes away from the attachment point. Okay?
A. Okay.
Q. In this hand, I've got a helical power cable take-up journal. What's the difference?
MS. JELENCHICK: Objection. Form.
A. And they're functioning exactly the same?
Q. Exactly.
MS. JELENCHICK: Same objection.
A. If they're the same component, there's no difference.
Q. I didn't know. You were telling me they're not the same, and I just want to make -- get the clarification, because I don't think they are

different. Okay?

So they're the same. Okay.

So now let's go back to Stanziale. Now we're going to reference Stanziale, okay --

A. Okay.

Q. -- '302. Tell me why he doesn't have a helical power cable take-up journal.

A. Referencing the documentation?

Q. The figures. I think the figures show a helical power cable take-up journal.

A. They do?

Q. That's what I'm asking you.

A. I don't see it.

Can you describe what figure it's on --

Q. Sure.

A. -- because the drawing doesn't depict it?

Q. Turn to paragraph 0106. Let me know when you're there.

A. I'm here.

Q. Okay. "Moreover, the perimeteral track 511, 521, may be a simple annular groove, or it may have a spiral or helical shape so as to wind the plurality of turns of a flexible element."

Do you see that?

A. Yes.

Q. Did I read that correctly?
A. Yes.
Q. Okay. So go back to 511 and 521 in the figures.
A. Do you know what figure that would be specifically?
Q. It's referenced in Figure 9, 511 and 521, and it shows it below the string groove. Above and below 521.
Do you see it?
A. Which figure are you on, John?
Q. Figure 9. I'm sorry.
A. Okay. 521, you said?
Yeah. Okay.
Q. Is that not a helical groove?
A. It's hard to tell from the drawing. It may or may not be; right?
Q. Well, no. I think, with the explanation in paragraph 0106, it tells you it is.
A. It said or. But I don't know specifically in the drawing. It's not clear enough.
Q. Right. But the description says it may have a spiral or helical shape?
A. Yes.
Q. So it could have a helical shape; correct?

A. Yes.
Q. Okay. And a helical shape would be something that -- it says "winds a plurality of turns."
Do you see that?
A. Yes.
Q. Isn't that what a helical power cable take-up groove does?
MS. JELENCHICK: Objection. Form.
A. Not necessarily.
Q. Okay. So there is, potentially, where -- a helical power cable take-up groove does not wind a plurality of turns. Is that you're saying?
A. I'm not saying that. I'm saying that it could have a different functionality overall system.
Q. I'm not talking about functionality. I'm talking about whether or not it just wraps around more than once.
A helical power cable take-up groove -- cam --
A. Yes.
Q. -- journal -- sorry. Strike that.
A helical power cable take-up journal wraps around more than once; correct?
A. In this example, it allows it to do that.

Q. And it also does that in the '015 patent; correct?

MS. JELENCHICK: Objection. Form.

A. Wraps around more than once?

Q. Yes.

A. Yes.

Q. Okay. In page 56 of your declaration, which is paragraph 85, I just want confirmation here. You show annotated Figures 2 and 4 of Stanziale '302; correct?

A. Sorry. Page 85, you said?

Q. Page 56, paragraph 85.

A. I show a -- say again, John. I'm showing what?

Q. In paragraph 85, you show annotated Figures 2 and 4 of Stanziale '302?

A. Yes.

Q. Can you please confirm, with the configurations shown with the draw string of power cables and everything else attached, how many degrees of freedom the Stanziale '302 crossbow has?

A. We've studied -- 3 degrees of freedom. I've cited 3 degrees of freedom in the actual drawings themselves.

Q. And that's with the draw string and power

cables and everything else attached; correct?

A. Yes.

Q. Okay. And in paragraph 103 of your declaration, which is on pages 74, 75, you show annotated Figures 17 and 18 of Stanziale '062; correct?

A. '062? The first is '062.

Q. And you show annotated Figures 17 and 18 of Stanziale '062; correct?

A. 17 or 18 in this as a comparable?

Q. Go to page 74 and 75 of your declaration.

A. Yep. Page -- oh.

Q. Okay. And those two figures are Figures 17 and 18 of Stanziale '062; correct?

A. Yes.

Q. Okay. Can you please confirm -- with the configurations shown, with the draw string and power cables and everything else attached, how many degrees of freedom does the Stanziale '062 crossbow have?

A. It's also 3 degrees of freedom. 3 degrees of freedom.

Q. Okay. Let's turn now to paragraph 125 of your declaration.

Pages 88 and 89 of your declaration show annotated Figures 11 to 12 of Stanziale '771; correct?

A. '771, correct.
Q. Can you please confirm -- with configurations shown, with the draw string and power cables and everything else attached, how many degrees of freedom does the Stanziale '771 crossbow have?
A. It also has 3 degrees of freedom in design.
Q. Let's go to paragraph 90 now of your declaration.
A. 90?
Q. Paragraph 90.
A. Okay.
Q. In paragraph 90 of your declaration, you talk about Claim 1's requirement for the first and second power cables, and then you say, quote, also referred to in the written description as the upper and lower power cables, period, end quote.
Do you see that?
A. Yep.
Q. There's no citation for upper and lower power cables there.
Do you see that?
A. Correct.
Q. Can you point out to me where in the written description of the '015 patent it shows upper

and lower power cables?

A. In Claim 1?

Q. In the entire patent, the '015 patent, where does it disclose upper and lower power cables?

A. It does not.

Q. Okay. So where did you get that from?

A. This is in reference to the '302.

Q. I don't think so.

A. I think so. Yeah, I think that's --

Q. Hang on. Let's read paragraph 90 together.

It says that Claim 1 specifically requires that the first and second power cables -- and you say also referred to in the written description as the upper and lower power cables.

What did you mean by that in paragraph 90?

A. In Stanziale '302?

Q. So you're telling me this is saying Claim 1 specifically requires that Stanziale's first and second power cables that are referred to in the written description as upper and lower power cables are displaced away from the first and second planes of rotation of the first and second draw string journals? You're saying that's referring to Stanziale '302?

A. No, I'm not.

Q. What are you referring to in that first sentence?

This isn't a trick question, Mr. Teater. I think you're referring to Claim 1 of the '015 patent.

A. Yeah, I think you're correct, and I think this is an incorrect citation, because I was probably referring to later on as the variation in Stanziale.

Q. Well, I'm just trying to confirm that the '015 patent talks nowhere about upper and lower power cables on a cam; correct?

A. Yes, that's correct.

Q. Okay. Now let's turn to Stanziale's '302 power cables journals 521.

I know we didn't agree they're power cables. Well, let's turn to that 521. So go to Stanziale '302.

A. Okay.

Q. Let's take a look at Figure 9.

A. Okay.

Q. And all I'm asking is whether or not you would agree that there's a common axis of rotation with the bowstring journal 511 and whatever is rotating around 521.

MS. JELENCHICK: Objection. Form.

A. That's not descriptive enough.
Could you restate your question?
Q. You would agree 45 is an axle?
A. 45 is an axle.
Q. In Figure 9 of Stanziale '302.
Would you agree with that?
A. Yes.
Q. And you would agree that the cam 50 -- you agree it's cam 50?
A. Yes. Cam or pulley.
Q. Yeah, cam or pulley sits on top of axle 45?
A. I think it's sandwiched in between, but...
Q. Yes, sandwiched in between. But it rotates around axle 45; correct?
A. Yes.
Q. Okay. So whatever is in guide 5 -- whatever the string guide -- you agree there's a string guide that goes around the outer circumference of the cam or pulley?
A. There is a string guide around the exterior.
Q. And then underneath the cam or pulley, something else also winds around that; correct?
MS. JELENCHICK: Objection. Form.

A. Yes, there is winding there.
Q. And all I'm asking is, do they share the same axis of rotation, string and whatever it is else that's rotating around 521?
MS. JELENCHICK: Objection. Form.
A. They share the same axle.
Q. Correct, same axle. And, therefore, they must share the same axis of rotation?
MS. JELENCHICK: Objection. Form.
Q. Well, you see the centerline going down the axle, correct, in Figure 9?
A. I do.
Q. So there's only one centerline, and so they must rotate around that; correct?
A. Yes.
Q. Okay. That's all I'm asking.
Let's turn to Stanziale '062. That should be Exhibit 1011.
A. '062, Exhibit --
Q. 1011.
A. Okay. 10 and 11.
Q. No. No. That's Exhibit 1011 of Stanziale -- we're going to go to Stanziale '062. It's a different figure.
A. I'll need you to point me to the specific

reference you're going to.

Q. I will. We're going to go to what I refer to as power cable journal 1461, which is shown in Figure 22.

Are you there?

A. No, sir, I'm not there specifically.

Q. Okay.

A. You need me to go to what page and what section?

62, check. Stanziale.

What subsection? Paragraph?

Q. Well, let's start off by doing two things. Let's go to a figure and then we'll also do that.

So let's go to Figure 22.

A. Okay. Yep.

Q. And you see reference numeral 1461; correct?

A. Yes.

Q. Okay. Now let's go to Stanziale, bottom right corner, page 18.

Yep, hold that, and let's go to page 18, line 5.

And you see where it says that there is a first length that is secured in a track or groove 1461 of a side edge of a respective second pulley 146, in

which the flexible force element 37, it self-winds?

Do you see that?

A. Yes.

Q. And it says, the next paragraph -- or next sentence -- two sentences down, I should say. "The groove 1461 has a spiral or helical shape so as to wind the plurality of turns, a flexible force element 37."

Do you see that?

A. Yes.

Q. Okay. So would you understand that to be a power cable wrapping onto a helical groove?

A. This is in the '62, correct, patent?

Q. Yes.

A. I consider that to be a control cable and not necessarily a power cable.

Q. Okay. Is "control cable" mentioned your declaration anywhere at all?

A. I'm not sure.

Flexible member is 37. Okay. Sorry. I just wanted to make sure I'm on the right drawing. Yep.

Q. Well, in your declaration, you don't draw a distinction, do you, between a control cable or a power cable?

A. I'm not sure if I --
Q. You use them synonymously; correct?
A. I don't.
Q. Well, let's turn to page 25 of your declaration. Let's go to the bottom of the last sentence, beginning on page 25.
It says "Many designs during this period used control/power cabling connected to the limb's axles or anchor points of the limbs to establish control of cam and cam timing."
Do you see that?
A. I'm sorry, sir. Where is it? On 25 or page 28?
Q. The bottom number on page -- it would be 25.
A. Okay. Sorry.
Q. No, it's okay.
It says "Many designs during this period used control/power cabling connected to the limb's axles or anchor points of the limbs to establish control of cam and cam timing."
Do you see that?
A. Yes.
Q. So aren't you using control cabling and power cabling interchangeably?

A. The backslash there really wasn't intended to use them synonymously. They're different.
Q. But you did do that in this declaration, and I asked you before today, if you had any changes -- or asked you at the beginning of the day if you had any changes; correct?
A. Well, that could be termed as "or" as well in common language.
Q. Even if it's control or power cable, that's correct, it's either/or. So you're not drawing a distinction between the two; correct?
MS. JELENCHICK: Objection. Form.
A. They're different. If there's an "or," that means there's a variation in the two.
Q. But it means it could be used synonymously with one another; correct?
A. Not if defined properly.
Q. Okay. So you haven't drawn any distinction in your declaration that you can point to between a control cable and a power cable; correct?
A. I don't believe I've specifically defined that, no.
Q. Okay. What were the -- strike that.
Let's go back to Stanziale '062, and go back to that Figure 14, where it shows element 1451.

A. Yes.
Q. Okay. I just want to talk again about the axis of rotation. I just want to know if you agree with me that the '062's 1461 shares a common axis with the bowstring journal 1451.
A. And you're referencing Figure 150 -- excuse me -- component 150 or axle 150, for clarity?
Q. Let me see.
That's correct.
A. Okay. They do share a common axle based on this drawing.
Q. Okay. I want to talk a little bit now about wrapping away and wrapping to as it relates to the power cable helical journal and the attachment point.
Can we talk about that?
A. Sure.
Q. Do you know what I'm referring to?
A. For the '015 patent?
Q. Yes.
Do you know what I'm referring to?
A. Yes.
Q. Okay. How many options are there -- or check that. There are only two options in which to wrap a power cable; right? Either up or down. Fair

enough?

MS. JELENCHICK: Objection. Form.

A. No.

Q. There are more than two?

A. There could be.

Q. Okay. What are they?

A. You could have a rotating axle on a cam that is independent.

Q. Hang on a minute. You have a rotating axle.

A. You can have a rotating module on a cam that could be independent that would allow you to rotate in opposition through other devices.

Q. But it's going to go up or down; correct? It's helical.

A. Oh, the helical design?

Q. Yes.

A. It could be coplanar. It could be --

Q. It's either up or down, though; correct? It's either going to go towards something or away from something. Fair enough?

MS. JELENCHICK: Objection. Form.

A. Not always. I mean, it could wrap around, right.

Q. What do you mean? Wrap over onto itself?

A. Yeah, absolutely.
Q. But that's not helical. It's just wrapping onto itself.
A. Okay. Yes. It's spiral or...
Q. Is there a difference between spiral and helical in your mind?
A. No.
Q. Okay. So a helical wrap is either going to go up or down; correct?
A. Correct.
Q. Okay. So there are only two choices. So if a person of ordinary skill in the art is looking at wrapping a helical power cable, wouldn't it be wise for him to try both ways should he need to?
MS. JELENCHICK: Objection. Form.
Q. He or she.
A. From just designing --
Q. Correct, just the design.
A. To try it both ways?
Q. Correct.
A. Sure. You could try anything you want.
Q. Okay. Let's turn to Stanziale '771, Exhibit 1012.
A. Are we talking Figure 1012 or...
Q. Exhibit 1012.

All right. Let's turn to Figures 4 and 5.

A. Okay.

Q. Do you agree that Figures 4 and 5 show a power cable 37?

A. No.

Q. Okay. What is 37?

A. It's a control cable.

Q. Okay. The Stanziale '771 teaches that flexible force member 37 -- stay on that same drawings. You don't have to go -- I'll read it to you.

A. Okay.

Q. Okay. It says "A flexible force member 37, such as for example a wire, which commands or forces the rotation movements of the pushing arms 32."

Do you see that?

A. Okay. Pushing arms 32. I see 32, yes.

Q. And would 32 be also called limbs?

A. 32?

Q. Correct.

A. 32 are armatures. That would be termed "arms."

What was the term they used?

Q. They used "pushing arms."

A. Yeah, arms or armature.

Q. So they're not limbs. Is that your testimony?
A. Correct, those are not limbs.
Q. Are there any limbs?
A. Yes.
Q. Okay. What numbers are the limbs?
A. It looks like number 10.
Q. Okay. Actually, I agree with you on that.
Whatever it is, whatever we want to call 37, if you want to agree they're power cables -- what would you like me to call them?
A. A POS [sic] would say they're 37. A POS would say 37 were control cables. That's what they would call them.
Q. Well, let's call them what Mr. Stanziale calls them. He calls them a flexible force member.
How about we stay with that?
A. His terminology is fine.
Q. Okay. So would you agree with me that the flexible force member 37 wrapped downwardly in Figures 11 and 12?
MS. JELENCHICK: Objection. Form.
A. John, I cannot tell based upon --
Q. Figure 12 shows it wrapping below the prior wrap, does it not?

A. You're saying from 11 to 12 is showing the cycling?

Q. Well, just look at 12. There are two -- it's wrapped around twice, is it not?

A. It doesn't describe that in the patent, though.

Q. I'm not asking what the drawing says. We'll get to that in a minute.

A. There are two wraps below a single wrap, and so there is some likelihood that it's below, moving below.

Q. That would be away from the pulley; correct?

A. That would be in alignment with the pulley.

Q. Well, it's wrapping away from it, though, downwardly. So that would be away, so --

A. It would be wrapping --

MS. JELENCHICK: Objection. Form.

MR. SKERIOTIS: I'm not done yet.

Q. Sorry. It would be away from the pulley, as it's wrapping downwardly; correct?

MS. JELENCHICK: Objection. Form.

A. In this example, it's wrapping -- sorry. It's wrapping downward and towards -- sorry. I'm

trying to get a component here.

Q. Why can't we just say it's away from the cam?

MS. JELENCHICK: Objection. Form.

A. It's pulling away from the cam?

Q. As it wraps downwardly.

A. Well, the cams are wrapping inward; right?

Q. No. No. As it's wrapping, it's going down that way, correct, which is away from the cam?

MS. JELENCHICK: Objection. Form.

A. The helical goes specifically -- I can't say that's specifically in the drawing.

Q. No. I'm asking you if the power cable -- I'm sorry. If the flexible force member 37, as it wraps -- on the area shown in Figure 12, as it wraps around, it wraps downwardly, which is away from the cam?

MS. JELENCHICK: Objection. Form.

A. John, I can't tell that specifically from --

Q. Okay. You're a person of ordinary skill in the art.

A. I know.

Q. I understand that. I'm just saying, as you see that wrap, what do you think the top one is?

A. There's inaccuracies in these drawings and --

Q. We're not talking -- but we're talking about what it shows to a person of ordinary skill in the art.

A. It doesn't describe it.

Q. I'm not asking you for what it describes, Mr. Teater. I'm just asking what this disclosure shows. So you're -- I just want to make sure --

A. I just want to be fair, John. I don't want to make an assumption.

Q. As you take a look at that wrapping --

A. There's two wraps.

Q. -- it's not wrapping downwardly. Is that what you're saying?

I think you've already said it is wrapping downwardly. I just asked you if it was wrapping away from, and you wouldn't agree with that, and I'm trying to find out why.

A. I can't tell from the drawing, to be honest with you.

Q. So as I blew it up here on my screen on my computer, you can't tell?

That's fine.

A. I don't know where the starting point is.

It looks like there's a secondary point. I'm not a hundred percent sure, so I'm not going to make a response.

Q. Let's take a look at Figures 4 and 5.

A. Okay.

Q. You would agree that that one is wrapping -- shows flexible force member 37 wrapping downwardly, correct, in Figures 4 and 5?

MS. JELENCHICK: Objection. Form.

A. It's not clear. It could be downward. It could be upward. If you look at, for example, Figure 5, my right, this design is left.

It's unclear specifically. I'm not going to make a response -- I don't know specifically how they designed the helical upwards or downwards. It would benefit them not to do downwards, but I'm not the designer.

Q. But as you look at 4 and 5, as a person of ordinary skill in the art who should know what they're looking at with respect to cabling and crossbows, et cetera, you can't determine from those two figures whether or not that shows it wrapping upwardly or downwardly. Is that your testimony?

MS. JELENCHICK: Objection. Form.

A. Correct.

Q. Just so you know, Mr. Teater, your credibility is what's at issue here today as well as other things. I mean, I'm not the one who is going to determine your credibility. PTAB is going to determine that. And I'm fine with that, if that's what you want to say. Okay.

A. Can you show me, John, in the dialogue where it specifically makes that remark?

Q. I can show you where it says that it's helically wrapped --

A. Well, does it say that they're downward --

Q. -- but I think the drawings show for certain that it is away from. But that's okay, you don't have to agree with me. Like I said, it's fine with me. It's your testimony and your credibility that's going to be questioned.

A. That's fine. I'm just trying to see if there's a reference. That's all.

Q. I understand. That's fine.

Let's take -- do you need a quick break? I don't need one. It's up to you.

A. Let's just keep going.

Q. Okay. Let's turn to Kempf '871, and that would be Exhibit 1014. Not Figure 1014, Exhibit Number 1014.

A. Check. Thank you.

Okay.

Q. Let's turn to paragraphs 150 to 153 of your declaration. They talk about Kempf '871.

A. 150, yes.

Q. As I understand it, with at least Figure 1 of Kempf '871, as a person of ordinary skill in the art, you are stating that cam 36 does not have an outer track for string 44; is that correct?

A. Yeah. Yes, that's what I said in my response.

Q. Okay. Would you agree that an outer track and a groove are substantially the same thing?

MS. JELENCHICK: Objection. Form.

A. No.

Q. What's the difference between an outer track and a groove to you, as a person of ordinary skill in the art?

A. In the design of the cam?

Q. Correct.

A. The groove can serve multiple purposes. It could be a let-out cable. It could be a take-up cable. It could be a stop gap.

Q. No. As we take a look at '871, there's a string, you would agree, that is attached somehow to

the cam?

A. What string, John?

Q. 44.

A. 44. Check.

In some manner, it's attached.

Q. Isn't it a groove?

A. It's not clear.

Q. How else would it be attached to the cam, as a person of ordinary skill in the art?

A. It could be a post. It could be sitting on a post.

Q. Show me where it's sitting on a post in Figure 1.

A. I didn't see it was described that way when I reviewed it. That was the issue with this drawing. It lacks description.

Q. I'm asking you how would the cam be able to have a string on it and rotate about it if it's not in a groove?

A. Like I said earlier, it could be on a post and it could wrap around an axle.

Q. Show me the post of where it is in that figure.

A. I didn't see a description well enough to provide that bits of information --

Q. Do you know of any cam that has a string associated with it where the cam does not have a string groove in archery? Compound bows, crossbows; anything.

MS. JELENCHICK: Objection. Form. Scope.

A. There could be a post and it could wrap around the axle.

Q. I'm not asking you what it could be. I'm asking you if you know of a cam in compound bows or crossbows that doesn't have a string guide.

A. In regards to what type of cabling?

Q. String.

A. In the string? I thought we were talking about cabling.

Q. No. We're talking about string 44.

I'm sorry. We're talking about cabling, correct. Sorry.

A. 44 cabling. I can't comment on it because Kempf didn't describe it.

Q. I'm not asking you about Kempf. I'm asking if you know of a single thing any compound bow, any crossbow, in the history of compound bows or crossbows, that doesn't have a groove for a power cable?

MS. JELENCHICK: Objection. Form. Scope.

A. Sorry.
Q. That's okay. Yeah, I know. You're a person of ordinary skill in the art, and I think it's funny too.
A. Well, you know, there are designs that --
Q. I'm asking you for one. I'm asking you if you've ever seen such a thing.
MS. JELENCHICK: Same objections.
A. I have not seen that in my time.
Q. Okay. Let's turn to Kempf '871, Figure 1, and then let's turn to the '015 patent, Figure 12.
These are the two figures that, I believe, look very similar.
A. Yes. Okay.
Figure 11. Okay.
Q. As you compare Figure 11 with Kempf's -- strike that.
As you compare Figure 11 of the '015 patent with Kempf's Figure 1, would you agree that they are virtually the same figure?
MS. JELENCHICK: Objection. Form.
A. In some cases, they're very similar. There are some differences, but the framework is the same.
Q. That's fine. Point out to me the

differences.

A. One has got -- looks like a cocking and a stirrup.

Q. Well, be specific on which one.

A. So Kempf has some other components. It's got a -- it looks like a cranking device and it's got a stirrup. This one does not.

Q. So the '015 patent does not have a stirrup and the Kempf one does; correct?

A. Correct.

Q. And the '015 patent does not show the handle of the cranking device; correct?

A. Correct.

Q. And that is shown in the '871 patent, Figure 1; correct?

A. Yes.

Q. Other than that, they appear to be very similar if not identical; correct?

MS. JELENCHICK: Objection. Form.

A. They have similar features, at least on paper and illustration.

Q. And you would agree that the '015 patent, the cam shown in Figure 11, has a groove for a power cable; correct?

A. The '015 patent?

Q. Yes.
A. It describes it specifically.
Q. Right. But I'm talking about just as far as the drawings go, can you see the groove? Do you know the groove is there?
A. So based on the drawing itself?
Q. Yes.
A. The drawing doesn't have that type of angular visual, so I don't get the viewpoint here. So, no, the drawing itself doesn't have that.
Q. Let's take a look at Figure 2 of Kempf '871.
A. Okay.
Q. Do you agree that shows a groove from that side view in the cam 36?
MS. JELENCHICK: Objection. Form.
A. It could be a groove. It could be a string. It's not clear what exactly it is.
Is there a reference to it?
Q. Not in that figure.
So you don't agree that, at the top of cam 36, it shows a U-shaped groove?
A. It could be many things. That could be one of the options, potentially.
Q. But it looks like it's U-shaped, does it

not? I mean, if it had a string in it, it would be rounded at the top, would it not?

A. It potentially looks U-shaped.

Q. Okay. Let's turn to Figure 3 of Kempf '871.

A. Okay.

Q. If the string were shown in Figure 3, would we not see it here? Is this wrapped around because it would extend out of the groove?

MS. JELENCHICK: Objection. Form.

A. It doesn't describe exactly the attachment point of the -- you're talking about the string or the cable?

Q. Well, what is going around the outer periphery of 36? If it was attached, it would stick out a little bit; correct?

MS. JELENCHICK: Objection. Form.

A. Not necessarily.

Q. Depending upon the depth of the groove?

A. Depth would be absolutely true, yeah.

Q. It looks like 48 is going into the outer periphery of 36, does it not?

MS. JELENCHICK: Objection. Form.

A. I'm not a hundred percent sure. I don't get a side profile of that.

Q. Well, it's at least going into a portion of 36, is it not?

A. You would assume it may or may not terminate at this point, this point, this point, this point.

Q. Even if it terminates at that point, it has to go on at least a little bit of a portion --

A. This could be a post.

Q. But even if it's a post, it's wrapping inside of that to attach to that post; correct?

A. Not necessarily. It could be a hard post. That could be an axle. That could be multiple --

Q. Well, hang on. When we look at other side views of that axle -- I'm sorry -- cam, we know that's not true what you just said; correct?

MS. JELENCHICK: Objection. Form.

A. I don't know that.

Q. Well, take a look at it. That does not show a cam having a post in any figure of Kempf.

MS. JELENCHICK: Objection. Form.

A. All right. What's the next question?

Q. Well, there's no post shown for cam 36 in any view; correct?

MS. JELENCHICK: Objection. Form.

A. It very well could be a post.

Q. Okay. That's fine.
Let's turn to Figure 10.
Do you see string 48?
A. Yes.
Q. Do you agree it's string 48?
A. Yes.
Q. Do you agree that it has a groove in cam 36 to allow for the string to wrap within that?
MS. JELENCHICK: Objection. Form.
A. A groove for 48 to wrap or 36 to wrap?
Q. 48. 36 is the cam.
A. Okay. And the question is again?
Q. That string is in a groove in cam 36; correct? Clearly there's no attachment point anywhere. It's wrapping around the outer periphery of the cam; correct?
MS. JELENCHICK: Objection. Form.
A. I'm not trying to obscure your question, but it's unclear of how it actually is attached. That's the issue.
Q. I'm not asking you how it's attached. I'm asking you if there's a groove that that string 48 sits in.
A. I don't see it referencing that.
Q. I didn't ask you that. I'm asking you

from the drawing itself, and then you, as a person of ordinary skill in the art, who knows how cams work, doesn't that string sit in a groove in the cam?

A. I'm not a hundred percent sure. Yes, I know the cam. I just don't know what exactly it's doing and how it's attached and how it sits in or around the cam.

Q. Well, how could it possibly sit in anything else other than a groove?

A. I didn't design it. I don't know.

Q. I didn't ask you. I'm asking you, as a person of ordinary skill in the art, how would a string on a cam not sit in a groove?

A. It could be connected to a post, which has multiple posts that it wraps around.

Q. A string?

A. Sure.

Q. I asked you before to tell me of one cam that you're aware of in the history of compound bows and crossbows that has a string associated with a cam and it's not in a groove, and you were unable to do so.

MS. JELENCHICK: Objection. Form.

Q. Correct?

A. I keep explaining that -- there's a

difficulty understanding. Is there an outer track around this cam? Does it describe it in the writing?

Q. No. I'm asking you -- forget the writing. Does it show it in the outer cam just like you were getting to? I'm asking you, as a person of ordinary skill in the art, who understands how crossbows work -- you said you were that person; right?

A. You've admitted I was that person.

Q. I have not admitted that.

A. Yes, you said it in dialogue.

Q. No.

A. You just said it a few minutes ago.

Q. No. I said you are representing yourself as a person of ordinary skill in the art.

A. That's fine.

Q. Do you agree that that's the way this functions, that that string is in a string groove?

MS. JELENCHICK: Objection. Form.

A. I'm not aware of a description that describes that. I'm not going to make assumptions for the Kempf.

Q. Forget what Kempf says. If somebody showed you that drawing, would you agree that it probably sits -- that string 48 sits in a string groove?

A. It could sit in a groove. It could sit in a groove.
Q. Okay.
A. That is one option of many other options.
Q. The only other option you pointed to was a post that you can't describe; correct?
A. This is a single cam. It could be a post.
Q. Where would the post be?
A. Attached to the cam.
Q. Where on the cam?
A. There's multiple holes in the cam.
Do you think they were there for no reason at all?
Q. I don't know. I don't see them the way you do. I don't see multiple -- I see aerodynamic holes in a cam that are nonfunctional, other than for aerodynamic purposes.
A. When these were designed, the aerodynamics wasn't a function that they were so concerned with all the time.
MR. SKERIOTIS: Maybe not aerodynamics, but weight. I'm sorry. You're right. Weight. They have holes in there to make the cams lighter, yeah.
Let's take a break.
(The proceedings recessed at 3:20 p.m.)

(The proceedings reconvened at 3:34 p.m.;
appearances as before noted.)
JONATHAN R. TEATER, resumes;
CONTINUING CROSS-EXAMINATION BY MR. SKERIOTIS:
Q. Okay. Mr. Teater, we're back on.
Were you aware of any helical cams in compound bows or crossbows prior to 2013?
A. Not in compound bows.
Q. But on a crossbow?
A. Not on crossbows either, at least not employed that way.
Q. Let me just jog your memory a little bit just, potentially, to see if you're aware of any of these things.
A. Sure.
Q. I think I only have -- I'm not sure I'm going to introduce this as an exhibit or not. I'm just going to show you this.
This is a 2010 catalog from what's known as Alpine Archery.
Have you ever heard of them before?
A. Oh, yeah.
Q. Okay. Just curious, were you aware of that cam that's shown on that second page?
A. You know, I may have been. I wasn't

testing at that point compounds.
Q. Okay.
A. But I was aware of the company, maybe not specifically the cam. And this is a yoke system.
Q. Right. But I believe it says -- it's got helical grooves?
A. Yeah, it's not.
Q. Okay. So you don't think it actually --
A. No. I mean, because -- I know this design.
Q. And that does not have a helical cam?
A. No.
Q. Even though it says so?
A. Yeah. It's just a fabrication of where -- I know this company. I've shot their bows.
Q. Right. So even though this says --
A. It's right in the center. I've read it. It says helical cam.
Q. Yes. It says the take-up grooves on the 3G Velocitec Cam --
A. Yeah.
Q. -- with a new helical groove on the cam.
A. That restatement there was intended to, like, talk about the wrapping around the actual cam itself, which is -- it's not helical -- or helical.

Excuse me.

Q. Are you familiar with a company called Precision Shooting Equipment?

A. Oh, yeah.

Q. Are you aware of any compound bow they may have had that had a helical cam on it?

A. 2013 or earlier?

Q. Yes.

A. No, sir, not offhand.

Q. Okay. As far as -- staying with Kempf --

A. Yes.

Q. -- '871, as far as the elements of Claim 1 of the '015 patent, would you agree with me that the only thing missing from Kempf is the helical power cable take-up journal?

MS. JELENCHICK: Objection. Form. Outside the scope.

A. This is the bastardizing of the cam system again, if that's where you're going.

Q. No. I mean, that's a harsh word to use for a person of ordinary skill in the art, but I'm just asking you, is the only thing missing from Kempf a helical power cable take-up groove -- journal?

MS. JELENCHICK: Objection. Form. Scope.

A. Yeah, I think there's more to that.

Q. What else is missing from Kempf '871, other than that?

A. So not having the helical power cables is obviously the one.

Q. Uh-huh. And again, with respect to Claim 1 of the '015 patent, only Claim 1, that's all you're looking at.

A. Okay. I understand.

It doesn't have the first and second take-up cables; right? You mentioned that; correct?

Q. Kempf does not disclose the first and second take-up cables?

A. It does not. So that's part of it, Claim 1.

Q. Okay.

A. So you're talking about the cables, the take-up, and then pushing the control cables away from the cam.

Q. Pushing them away would be part of the helical power cable take-up journal; right?

A. Right. That's not in there. That's a similar example.

Q. Fair enough.

A. Did we discuss -- I'm sorry. I shouldn't be asking questions. Excuse me.

This talks about draw string journals on both the string -- first string guides. We didn't specifically come to a conclusion on that, or at least there's disagreement between you and I on that.

And then I don't believe that this talks about the description of, you know, the planar issue of string going rearward, cams coming together specifically, but -- I don't believe that's in the description specifically.

This is more of -- this is developed to establish a reverse draw crossbow.

I think it hits all three of those, if I remember correctly looking at these.

Q. Okay. Anything else?

A. No, not as compared to Claim 1.

Q. So if we took Norkus -- remember Norkus is just a helical cam?

A. Yes.

Q. It wraps away. Other than if we added that to Kempf, if we could do that -- okay? --

A. Okay.

Q. -- it would be missing the other things you said. It would be missing the string guide on the one side because we didn't come to an agreement on that; correct?

A. Correct.
Q. And I think -- is that it?
A. No. We talked about the power cable take-up. That wasn't specified in there. The grooves related to that. That wasn't specified in there.
Q. I know. We're going to show that with Norkus.
A. Okay.
Q. Right?
A. Yeah. So Norkus is the --
Q. So I think it's just the other thing that we talked about; correct?
MS. JELENCHICK: Objection. Form.
Q. I'm asking.
A. I'm not a hundred percent sure what we talked about at this point in respect to what you're saying. If you want to go back and look at the Norkus thing, we can back through that.
Q. No. No. Because I think Norkus is just simply a helical cam.
MS. JELENCHICK: Objection. Form.
Q. If we just take Norkus as a helical cam, and that's it, just the cam, we can put that on Kempf --
A. With significant modification.

Q. But you could do it; correct?
MS. JELENCHICK: Objection. Form.
Q. I mean, if somebody came to you and said --
A. I don't know why --
Q. Hang on. Hang on. If someone came to you and said, "Hey, Mr. Teater, my understanding is you design crossbows, if that's true, you're a person of ordinary skill in the art, if that's true, I want you to take this helical cam that's in my hand, and I want you to put it on Kempf's crossbow," could you do it? That's the question. Could you do it?
MS. JELENCHICK: Objection. Form.
A. If you reconfigured the crossbow in totality, you could do anything you want.
Q. Outside of -- come on, Mr. Teater. With all due respect --
A. I'll use the same word I used earlier.
Q. No. Hang on. All I'm saying is you're going to take the Norkus cam and you're going to put it on a --
A. Why would anybody want to do that?
Q. To increase the power stroke.
A. You can do that with so many different options.

Q. But if they wanted to do it with a helical cam --

A. The helical cam of the design is not -- the intention is not to support that specifically. That is an element of the power stroke. It is not the whole design.

Q. I understand that. I'm just asking you about the helical cam. If I said I wanted to increase the power stroke and I wanted to use a helical cam to do it --

A. Yes.

Q. -- you would be able to modify Kempf to get that done, correct, or not?

MS. JELENCHICK: Objection. Form.

A. Significantly changing Kempf's design, almost essentially erasing it in order to facilitate that, sure, I could do anything.

Q. Okay. Tell me what you would need to do. So let's take a look at Figure 10 of Kempf. What would you need to do?

Figure 10 of Kempf '871, if you were to take the two cams that are there, the cam and the pulley, and replace it with two helical cams, what else you would need to do?

A. Brand new cams?

Q. Yes. Yes, helical cams, Norkus.
A. No. No.
Q. That's what I said. Norkus showing a helical cam. Not Norkus's pulley system. Norkus's helical cam. That's it. Just the cam.
MS. JELENCHICK: Objection. Form.
A. It doesn't seem -- you would be rebuilding a portion of Norkus's cam in concert with Kempf's.
Q. No. No. All I'm asking you to take is the helical cam itself that has the helical power cable grooves and take out the two cams here of Kempf and replace it with that. How would you do it? Tell me what you would need to do.
A. You would have to reconfigure the crossbow.
Q. That's fine. Tell me how you would do it. That's what I'm asking you. You claimed to be a person of ordinary skill in the art. You claim to have the design crossbow experience. How would you do it?
I'm a mechanical engineer. I can figure this out in five minutes. I want to know how you can do it.
MS. JELENCHICK: Objection. Form.
A. I'm not exactly sure how I would do it in

this example because -- really it's a goals-and-objectives thing.

Q. Hang on.

A. It's the same thing with Darlington.

Q. Okay. Hang on. Wouldn't you just take out the cams on each side, take the power cable, and connect it to the center of the barrel? Don't cross them. Don't cross power cables. That's all you would have to do.

A. No. I mean, that's one way to do it.

Q. But that's all you would have to do.

A. You could do it that way. Modern design, you can do it that way.

Q. That's fine. Thank you. We'll move on. I don't want to continue on that. I only have so much time, and we're running out of time on my end, and I believe Ms. Jelenchick has questions for herself, and I don't want to keep the court reporter here past her time.

MS. JELENCHICK: Well, I would much rather have Mr. Teater complete his answer than give up --

MR. SKERIOTIS: Here we go again.

MS. JELENCHICK: John --

MR. SKERIOTIS: How many times are you going to say that, Kadie? And that is -- if I have

to, I will turn it into the PTAB, because you have coached this witness repeatedly, and you won't stop. This is the fifth time I think I've told you that.

MS. JELENCHICK: Well, I've also invited you to stop interrupting the witness.

MR. SKERIOTIS: Mr. Teater and I have an agreement, and so he hasn't taken advantage, if I've been interrupting, to say, "John, you're interrupting."

He's welcome to do that. I'm not trying to interrupt him. So you're the only one making that claim in this whole room.

Q. Let's turn to a new one. Let's turn to Exhibit 1015, which is Mr. Islas, I-S-L-A-S.

A. Yes.

Q. Okay. You are familiar with Exhibit 1015, Mr. Islas; correct?

A. Yes.

Q. His patent; correct?

A. Yes.

Q. Okay. Are you aware of who owns this patent now?

A. I am not.

Q. Okay. So as far as you're concerned, Mr. Islas still owns this patent; correct?

A. Yes.

Is it relevant? Do I need to ask that question?

Q. No. I'm just asking if you know.

A. I don't.

Q. Okay. Let's turn to paragraph 61 of your declaration.

A. Yes.

Q. And you state, quote, The Islas design teaches that cam grooves that are flared in respect to the cam axle creating an extension far beyond the central axle point and do not purport a singular groove, placed on either side of the cam limiting degrees of rotation, period end, quote.

Do you see that?

A. Yes.

Q. What do you mean by, quote, cam grooves that are flared, end quote?

A. I think that was terminology that was used in the actual embodiment; right?

Q. I don't believe the word "flared" is anywhere within Islas. I don't think there's anything mentioning that at all. That's why I'm asking you.

A. John, I believe the response is specifically for spacing and -- because these are

coaxial, I think it's for spacing and control purposes. So that flared cam groove was intended to support those axle -- those grooves for the -- hang on. Hang on. Scratch.

Yeah, I think that was just intended to -- yeah, I think I looked at Figure 3. In Figure 3, do you see -- look at the cam. Basically it looks like bunny ears coming off the axle. So those are in a somewhat modular format. It essentially looks like a separate component part of the cam that's embraced in between the -- you know, the banded axle. So the terminology "flare" was essentially just as a contact point.

Q. So when you say "the cam grooves," you're talking about the power cable grooves on the cam?

A. Correct, yes.

Q. And you're saying basically they flare out, I guess. I'm not trying to put words in your mouth. I'm trying to understand it.

A. They extend or flare out from the actual cam itself. So an extension of the cam, essentially, if that makes sense.

Q. And so that's in Figure 3?

A. Yes, sir.

Q. Would you believe that to be the same

thing in Figure 1?

MS. JELENCHICK: Objection. Form.

MR. SKERIOTIS: I'm asking the question.

A. Hang on, John.

Q. It doesn't seem like -- the only reason I ask is it looks like in Figure 1 that flared portion, if there is one, seems to be solid. Sort of like a whistle.

Do you know what I mean? If you look at the bottom --

A. Yeah.

Q. -- hang on -- the second cam or the first cam towards the bottom of the figure in Figure 1, it looks like that's sort of a whistle shape with no hole.

And then if you go to Figure 3, it seems like it's all cut out.

A. It's been etched, yeah. Sure.

Q. So I just want to say they're different. That's all. Fair?

A. They look different, yeah.

Q. So your cam grooves that are flared are with respect to Figure 3, and --

A. And Figure 2. Figure 2 is the same exact example. It's just a better profile in 3.

Q. In Figure 2. Okay.
A. Yes.
Q. But that's not anywhere in the Islas patent; correct?
A. The terminology of "flared" isn't in there.
Q. Okay. And then what do you mean by "creating an extension far beyond the central axle point"?
A. So that cabling 26, that's -- you know, the coaxial cable 26 extends beyond that central axle point.
Q. And by the way, that's a power cable; correct?
MS. JELENCHICK: Objection. Form.
A. In this example, it would be a power cable.
Q. So it's not a control cable; correct?
MS. JELENCHICK: Objection. Form.
MR. SKERIOTIS: He understands what "control cable" is. He's the one that used the word.
Q. Do you now understand what a control cable is?
A. Yes.
Q. Well, Ms. Jelenchick, doesn't think you

do, I think.

MS. JELENCHICK: That isn't the basis for my objection.

MR. SKERIOTIS: Okay.

MS. JELENCHICK: If you want me to provide the detail as to what's the problem with it, I will explain it.

MR. SKERIOTIS: No, that's okay.

MS. JELENCHICK: Okay.

Q. So it's not a control cable; correct?

A. There's not a synchronization amongst the cams into a fixed position.

Q. Don't know the answer to that. I'm asking you what is that cable. Is it a power cable or a control cable?

MS. JELENCHICK: Objection. Form.

Q. And that cable we're talking about is 26.

MS. JELENCHICK: Same objection.

A. I don't think I gave it a definition.

Q. Well, I think Mr. Islas calls it a power cable.

A. He does, yeah.

Q. But he also says the word "control cables"?

A. Yeah, this is one of those ones, if where

it's not synchronized to one another, but it provides some element of fixed positioning, it fits the definition essentially of both.

And it also gives an opportunity to increase the synchronization, in concert with controlling the limb rotation -- or excuse me -- the limb flexion, as the bow goes from tension to compression.

And that would really be like the term of the art type description of definition. So it has a bit of both elements.

Q. So you're saying it's both a power cable and a control cable. Is that what you're saying about cable 26?

MS. JELENCHICK: Objection. Form.

A. Give me a second.

Q. While you're looking for that, Mr. Teater, why isn't it just simple enough to follow the inventor, who knows what his invention is, and call them power cables? Why can't we just follow what he says?

MS. JELENCHICK: Objection. Form.

Q. Just curious.

A. It is based on my definition, based on my understanding of how these things are designed, I

guess, which vary from the inventor. At least to be consistent with the terms that we're using, I wanted to describe the issue.

Let's go with both. They provide both purposes: power and control.

Q. Okay.

A. More specifically power.

Q. Okay. So we were talking about creating an extension far beyond the central axle point. Can you tell me where that's disclosed in Islas? That was your paragraph 61, the last sentence.

A. It's obviously in the figures, each figure, 1, 2, and 3.

The definition of "far" is not explained here specifically. It is some distance from the axle. You know, I would -- go ahead.

Q. Are you done?

A. I am.

Q. Okay. What do you mean by, quote, do not purport a singular groove, placed on either side of the cam limiting degrees of rotation, end quote?

A. Two cables. That's the remark. Centigrade two cables instead of one singular cable.

Q. It says "do not purport a singular groove."

What does that mean?

A. So I'm referring specifically to 28 and the two items on either side. And it looks like the way it's affixed is the groove wraps around the back side of 28 and it's affixed with a terminal end.

Do you see that in Figure 2?

Q. To the barrel or stock?

I'm sorry. To the riser?

A. From the riser through a pylon, you know, and through a pylon from the riser to the cam itself.

Q. I've lost you on the singular groove aspect, placed on either side of the cam limiting degrees of rotation. That's what I'm stuck on. I don't know what you mean by that.

A. Yeah, I think the intention here -- all I was saying there's two banded essentially branched -- not branched. Excuse me. Two banded cables, 26, flexible members.

Q. Power cables?

A. Power cables that extend towards the cam in a format where they wrap around on a single groove. And each has its own independent singular groove, so they're independent of one another.

Does that make sense? That was the intention behind that.

Q. Correct. Okay. I think it makes sense now.

A. Okay.

Q. But that's not disclosed in Islas; correct?

A. The two individual coaxial cables -- or coaxial cables are identified, yes.

Q. Whatever you say here, "do not purport a singular groove, placed on either side of the cam limiting degrees of rotation," that's not --

A. No, that language is not in there. That's my own language.

Q. Let's go to paragraph 163 of your declaration.

In that paragraph, you state, and onwards, that, quote, modifying Islas to have a reverse draw configuration would cause interference between Islas's bowstring and its power cables and prevent the device from functioning as intended, period, end quote.

Do you see that?

A. Yes.

Q. Let's first get this reverse draw thing out of the way.

When you're referring to the reverse draw configuration in this paragraph, you really mean

reverse limb, where the limbs extend from the riser away from the shooter; correct?

MS. JELENCHICK: Objection. Form.

A. The drawing that we illustrated actually was a reverse cam and a reverse draw based on our definition earlier.

Q. Earlier. Okay. I just want to make sure we're talking about the same thing.

A. Yes.

Q. Okay. And then second, are you sure there would be interference?

A. There is a higher likelihood that there would be interference, yes.

Q. But also there's a likelihood, even if it's small, it's not going to create interference; correct?

MS. JELENCHICK: Objection. Form.

A. The cam design obviously would have to change in order to rotate. Without that, there's no real way to tell if there would be interference created or not.

Q. Okay. Could you, as a person of ordinary skill in the art, modify Islas's crossbow to have this reverse limb configuration and have it work?

MS. JELENCHICK: Objection. Form.

A. This goes to the same principle of monsterizing this particular crossbow in order to get it to function properly.

Q. Okay. Well, let's take a look at that.

MR. SKERIOTIS: Let's mark this Exhibit 1031.

(The following exhibit was marked for identification: Exhibit Number 1031.)

Q. Mr. Teater, I'm handing you what's been marked as Exhibit 1031. I will represent to you that this is a modification of Islas's disclosure.

A. Okay.

Q. Okay. In this configuration, all we've done is moved the power cables forward.

Do you see that?

A. Yes.

Q. In this configuration, would you agree there is no interference between the strength and the power cables?

MS. JELENCHICK: Objection. Form.

A. In this form, with the riser, the way -- the forward -- you're just moving the connection points forward toward the riser?

Q. Yes. I'm sorry. Let me explain. There's a red and a blue, and those red and blue are the new

positions of the power cable.

Do you see that?

A. I do.

Q. And so the old power cables that are still shown there would no longer be there. Okay?

A. Okay.

Q. With that understanding, would you agree that there's no interference between the string and the power cables?

MS. JELENCHICK: Objection. Form.

A. To be clear, you're keeping the riser in the same position? You're moving the string forward rather than rearward, and as a result, you're saying that there's no interference?

Q. I'm not moving the string at all.

A. In this drawing --

Q. I'm sorry. Yes, the string is in a reverse cam configuration. What Ravin refers to in the patent as a reverse draw configuration; correct?

A. Okay.

MS. JELENCHICK: Objection. Form.

Q. So yes. All I've done, then, is move the string to a reverse draw, as Ravin calls it, and moved the power cables forward of that. And you would agree that there is no interference between the string and

any power cable; correct?

MS. JELENCHICK: Objection. Form.

A. John, I'm not sure at this point. Are those connection points intended to be similar in this nature, or are they throughput, or are they -- what's our definition of power cables just to be correct? Are those considered power cables that are attached to a fix point, or are they traveling through the barrel?

Q. No. Both of those power cables are attached to one side of the power cable -- I'm sorry -- barrel.

A. So they're individually attached, not through either side?

Q. Just like Islas, correct, each end of the power cable terminates at the barrel.

A. So the problem here would be -- you essentially would have to drill a hole through the riser, you would have to have a connection point where the string sits in between the barrel, and so your throughput, because it's balanced, would actually have to -- this doesn't function.

Q. Hang on. The string is the same string as is on Islas, it's just moved forward --

A. Yeah.

Q. -- for reverse cam configuration.

A. Right.
Q. Hang on. And the power cables terminate forward of that onto the barrel.
A. Right. And so are you going to drill a hole through the riser?
Q. There's no reason to drill a -- no. No. They're attached to the barrel, not the riser.
A. Then how are you going to push the arrow through the center point?
Q. The same way. Nothing crosses over in the barrel. No power cable crosses over. It's attached to the barrel, just like it is in Islas.
A. That doesn't make any sense. It makes no sense to me. I would never do it this way.
Q. I didn't ask you what you would do. I'm asking you is -- Islas takes two power cables on each side and attaches them to the barrel; correct?
A. Yeah.
Q. All I did was move that attachment point forward, that's all I did, onto the barrel.
A. Yep.
Q. Okay?
A. And you've got to change your journaling; right? You've got to change your journaling.
Q. No. No. Hang on. Just follow me. All I

did then was take the string and make it reverse draw, as Ravin understands that term.

A. Yeah, but you're changing the rotation.

Q. That's all I did. And so now I'm asking you if there is interference between the string and the power cable. That's all I'm asking you. I'm not asking you about function, how it works. I'm just asking you if the string would be interfered with on any of the power cables as it's drawn back.

MS. JELENCHICK: Objection. Form.

A. Yes.

Q. Okay. Which power cable would it hit?

A. The top one and --

Q. The top one is below the string; correct? That's what I'm saying. It's below the string.

A. So the string is at the center point. So if we're taking this drawing here --

Q. Hang on.

Go ahead.

A. We're saying this is at the central point. So if we're doing --

Q. Hang on. Let's go back.

A. The stripping right there.

Q. Let's go right here. The same drawing.

A. Okay. So just to be clear, we've got a

groove and a groove. This is top. This is bottom. Okay? And I'm just trying to show you. Power cable. Power cable.

This is the string groove; correct?

Q. Behind the power cables attachment points, correct.

A. This is in the center. This is sandwiched.

Q. This power cable on each side is moved forward ahead of the string guide, the string.

A. Okay. Check.

Q. And this red power cable --

A. The same --

Q. -- is below the string. It sits below the string.

A. That's not the way that cam is designed. That cam is designed -- right here. 24 is the center point, so 28A and 28B is -- 28A, 28B --

Q. Uh-huh.

A. -- flip, flip, flip. This is the sandwich. At that sandwich point, the string is right here. This is the string groove. When Islas designed this, what he did was he purported this upward. So this sits on a rail track, and the objective was actually the string shoots over because these are

positioned downward.

In your design -- I'm sorry to explain this to you. Hopefully, this is -- it's hard to do this. I'm not sure -- this would be more of an expert witness testimony at this point.

Q. So what I did was I raised the string to go over the top power cable.

A. Then you're redesigning the cam and you would have to change the journals around to make that work.

Q. Okay. So it still works, though, doesn't it? They don't interfere. That's the only question. Is there interference if I raised the string to go over top of the top power cable?

A. You've got no control --

Q. I didn't ask you that. I asked you if there's interference. Sit with me. Concentrate.

A. Yes.

Q. Interference --

A. If it's underneath, there's no interference.

Q. Hang on. If the power cable is underneath the string --

A. Yeah.

Q. -- there's no interference; correct?

A. Correct.
Q. That's all I was getting at. That's all. Thank you.
A. Okay.
Q. You can hang on to that. Or we can put this over here.
In your declaration, you provide your opinions on obviousness; correct?
MS. JELENCHICK: Objection. Form.
A. I reviewed each patent for obviousness based upon the definition as described.
Q. Okay. Do you think that, for a combination of prior art references to be obvious, a POSA would need to be able to take a component from one reference and merely plug it into the other reference?
MS. JELENCHICK: Objection. Form.
A. No, I do not. And the reason I do not is because there would have to be teachings in that that provide further explanation of why many things would need to be combined in order -- and the obviousness would have to be displaced in one particular patent in multitude in order to offset and explore another opportunity.
Q. I guess what I'm getting at is, you would

agree that you can't just take -- your opinion is not that you just take one element from a piece of prior art and plug it to another and then that's obvious, there has to be something more; correct?

A. Yes.

Q. Okay. And that more could be some adjustments and modifications in order to get it to work; correct?

MS. JELENCHICK: Objection. Form.

A. I would say the degree of modification would have to be minimal, because if it was a novel modification, then that wouldn't be meaningful to the patent potentially. So I would disagree with that definition.

Q. I didn't give a definition. I said you would agree that you would have to make some modification or adjustments in order to combine one piece of prior art with another; correct?

MS. JELENCHICK: Objection. Form.

A. It would have to be small degrees.

Q. So you're saying the law requires it to be small, or is that your understanding?

A. I think it would have to -- as it's described here in the obviousness, it says specifically it has to articulate a reason why they

would understand these to be obvious, and clearly there would have to be an overlap and some basis of correlation between the two patents.

Q. Some motivation to combine them is what you're saying, I believe; correct?

A. There would have to be some motivation to do it.

Q. But you don't just take one part and then you would expect -- plug it in and therefore it's done. You would have to modify it to some degree; correct?

MS. JELENCHICK: Objection. Form.

Q. I think you already said a small degree.

A. If it was a minor degree and it was obvious, and the other one didn't teach away that concept, then there's a possibility that they could be obvious.

And then the degree of difference is, you know, based on the type of claim that's being explained in detail. It's the degree of explanation in the claim that's relevant to that discussion.

Q. Okay. How easy is it for a person of ordinary skill in the art to go from a forward draw to a reverse draw crossbow?

A. I don't think it's easy. I don't think

it's just a 180 flip.

Q. Do you believe that people who design forward draw crossbows can also design reverse draw crossbows?

A. Absolutely.

Q. Okay. So it's easy enough for them to do that; correct?

MS. JELENCHICK: Objection. Form.

A. If they have the capability and experience in design, sure.

Q. Well, I'm saying if they have the ability to design a forward draw, they can define a reverse draw; correct?

MS. JELENCHICK: Objection. Form.

A. Hard to make that assumption. But usually technical competency and understanding of the configuration and the geometry, and they're of strong engineering background and experience and they've done it in the past, yes, it's feasible.

Q. Have you heard of Jim Kempf?

A. I know Jim Kempf.

Q. Have you met Jim Kempf?

A. Yes.

Q. Do you consider him a person of ordinary skill in the art?

A. He's designed crossbows, so sure.
Q. And he's designed forward draw crossbows and reverse draw crossbows; correct?
A. He has.
Q. Okay. Are you aware that TenPoint has forward draw and reverse draw crossbows?
A. Yes.
Q. You are aware that Barnett has forward draw and at least had reverse draw crossbows; correct?
A. I wasn't aware they didn't have them anymore, but yes.
Q. Okay. Are you aware that Ravin has no reverse draw crossbows?
MS. JELENCHICK: Objection. Form. Scope.
A. To be honest, I haven't looked through their product portfolio because I've never tested their products.
Q. Let's assume for the sake of this exercise that Ravin does not have a reverse draw crossbow. Okay?
A. Okay. That's fine.
Q. It's your opinion, though, that someone currently at Ravin would be able to design a reverse draw crossbow if they designed the Ravin crossbows that are forward draw; correct?

MS. JELENCHICK: Objection. Form. Scope.
A. It's hard to make that assumption, but I'm assuming they're astute enough in design where that's possible.
Q. It's not likely?
MS. JELENCHICK: Objection. Form. Scope.
A. I didn't say that. I said it's possible.
Q. I know. I'm asking you if it's likely.
MS. JELENCHICK: Same objection.
A. If they're motivated to design it, then possible, if there's a market for it.
Q. I know. I'm asking you, though, is it likely that a guy like Craig Yehle, who is the inventor of these patents with respect to Ravin, the '015 patent --
A. Yeah.
Q. -- that he could also design a reverse draw crossbow?
MS. JELENCHICK: Objection. Form. Scope.
A. My experience with Craig is that he's intelligent enough to do that.
Q. What do you mean by your experience with Craig? I thought you never met him before.
A. I never physically met him before.
Q. Okay. So what's your experience with him?

A. I've talked to him on the phone before when he was at Stryker because I tested their crossbow.

Q. And did he design the Stryker crossbow to your knowledge?

A. I believe he's one of the designers. There's a multitude of designers at that company.

Q. What was your understanding of what he did at Stryker when you spoke to him?

A. They sent me a design model to test that was in production, and I went through with him, just like anybody, what the protocol was for testing so they were aware of it.

I didn't get any insight into their design process or methodology because it made me biased. I just wanted to understand some of the lifecycle testing that they did on the crossbows. So it was a safety concern for me.

Q. Okay.

A. I do that with every company, including TenPoint.

Q. Is that the only conversation you've ever had with Mr. Yehle?

A. That was it.

Q. Okay. Do you know what department he was

in when he was working at Stryker?

A. Engineering, I'm assuming.

Q. Did they make compound bows and crossbows at the time?

A. That was both Tech/Stryker, so yeah. If you consider them one in the same, yes.

Q. I don't have any clue.

A. Yeah.

Q. Okay. Let's turn real quick to paragraph 225 of your declaration.

In that paragraph, you claim that Darlington emphasizes, quote, that its cams and pulleys must be synchronized or slaved to one another, end quote.

Do you see that?

A. Yes.

Q. Now, I'm focusing on the phrase "must be synchronized."

A. Uh-huh.

Q. Is that your testimony here today, that Darlington's cams and pulleys must be synchronized to one another?

A. I've got to verify.

Q. Let's go to page 55 of Darlington, and that would be Exhibit 1013.

A. Okay.
Q. In that paragraph, which refers to Figures 9 to 12, Darlington is stating that that configuration, quote, is not providing the advantage of an approved cam synchronization, end quote; correct?
A. And you're saying Figures 9 through 12?
Q. Yes. All I want to be sure of this phrase "must be synchronized." I don't think Darlington states that it must be synchronized.
A. I've done enough testing with Rex Darlington to know what his goals are, and that could be my remark why he -- this is his principle design philosophy.
Q. But it clearly says in this embodiment of Figures 9 to 12 that it's not providing the advantage of improved cam synchronization.
A. I think the term "must" is probably incorrect.
Q. Okay. All I was getting at was Darlington discloses multiple versions. Some with synchronized cams and some without. That's all I was trying to get to.
That's not mandatory; correct?
A. I agree.

Q. Okay.
A. But that's the goal.
Q. According to you and what you know of Mr. Darlington.
When is the last time you spoke to Rex Darlington?
A. It's been a long time. It was either him or Ted Harper I talked to. I don't know how many years ago that's been. It's been a long time since I've been testing crossbows, at least with that company.
Q. When he -- I'm sorry. You spoke to him the last time probably when he was still the owner of Darton; correct?
A. Possibly. Yes, he was the owner of Darton, but I don't remember the timeline. You would have to look at when I tested their crossbow because I typically interfaced with them directly. He'd like to see the results.
MR. SKERIOTIS: Let's take a quick break. We're wrapping up, and then we'll finish out. Okay?
THE WITNESS: Okay.
(The proceedings recessed at 4:31 p.m.)
(The proceedings reconvened at 4:49 p.m.; appearances as before noted.)

JONATHAN R. TEATER, resumes;

CONTINUING CROSS-EXAMINATION BY MR. SKERIOTIS:

Q. We're back on, Mr. Teater. We're finishing up. Let me ask you a few questions about crossbow sales and marketing.

Do you have any knowledge about sales and marketing of crossbows?

MS. JELENCHICK: Objection. Form. Scope.

A. Depending on the scope, there may be some degree of --

Q. Do you have any experience in sales or marketing of crossbows?

A. No, not personally.

Q. But you do understand that what a consumer, because you've tested crossbows, are looking for in crossbows. Is that fair?

A. Yes.

Q. Okay. Would you agree with me -- and I'm just trying to find out what are the key selling points of a crossbow. Would you agree with me that the key selling point for a crossbow, basically at any time, is speed?

MS. JELENCHICK: Objection to form.

Q. How fast a crossbow goes. Is that fair to say?

MS. JELENCHICK: Objection. Form. Scope.

A. Is it primary, or did you say secondary, or --

Q. I said one of the key. Personally I believe it's the primary, but what do you think?

A. I would prefer it not to be the primary, but I think for a lot of individuals, it is the primary selling point.

Q. Would you agree that crossbow speeds have increased typically every year since the inception of crossbows?

A. I would have to look at the statistics because I have that information.

Q. Okay.

A. Have they increased every year? Not necessarily, but they have increased.

Q. Back in 2013, we talked about -- or you said that crossbow speeds were in the high 200s or low 300s potentially; correct?

MS. JELENCHICK: Objection. Form. Scope.

A. I think that's the range they were in at that time.

Q. Okay. And currently, do you know what the top speed is on a crossbow in the market being sold today?

MS. JELENCHICK: Objection. Form. Scope.
A. No, but I'm sure it's in the 4s.
Q. Over 500. Would you be surprised to find that out?
A. Not necessarily.
Q. Both Ravin and TenPoint, I believe, have model crossbows that go over 500 feet per second.
Are you aware of that?
MS. JELENCHICK: Objection. Form. Scope.
A. No, I was not aware of it.
MR. SKERIOTIS: Kadie, I'm just telling you I'm going to potentially file a motion. I mean, your objections today have been way too numerous and have absolutely impeded this deposition.
When we get done, you probably have over 200 objections in a seven-hour deposition, and I believe that's just uncalled for and most, if not all of them, are going to be overruled. So I'm just letting you know ahead of time. I waited till the end to tell you that. That is just unreal.
I note that for the record because I want to note that we're probably going to make a motion with the Board on that issue.
MS. JELENCHICK: I disagree.
Did you feel that you were impeded in any

way in asking questions?

MR. SKERIOTIS: A hundred percent every single time you objected. The voluminous amount of objections you made today were just unreal. I mean, I don't think I've ever been in a deposition before in my 25 years where somebody objected as much as you did today.

I mean, we'll find out, because you're going to have to explain potentially every single objection and how they were a proper objection under form.

That's up to you. If you can do it, fine. If you can't, then we're going to add them up, and I'm going to ask the Board to rule on that issue with respect to that.

MS. JELENCHICK: I would be happy to do that.

Q. Okay. Mr. Teater, I would like to go back to your declaration. Let's start with page -- start with page 4. And what I want to go through is -- I think it was your testimony earlier today, so correct me if I'm wrong, that you drafted 95 percent, roughly, of this declaration.

Is that accurate? Do I have an accurate memory of that?

A. Yes, with the exception of the illustrations.

Q. With the exception of illustrations, did you draft the entire Qualification and Experience section?

MS. JELENCHICK: Mr. Skeriotis, I'll just point out that we had much back-and-forth during Dr. Batzer's deposition on this particular issue, and you did not allow me to probe this issue.

MR. SKERIOTIS: No. No. I'm not asking for the same reason you are. I'm asking for different reasons. I'm testing the accuracy and veracity of his statement that he said 95 percent.

I personally don't care who drafted it between you and them. You're trying to seek a disqualification based upon who drafted it. I'm not. I'm saying to him I don't believe he drafted 95 percent of it, and I don't believe I think the Board is going to believe that either, and I want to go through it.

So it's his testimony that has caused the questions to come up.

Q. So your Qualifications and Experience, you're telling me you drafted that entire section; is that correct?

A. What section are we referring to?
Q. Starting on page 4.
A. Starting on page 4 through --
Q. Up to page 5.
A. 4 to 5?
Q. Yes.
A. Yes.
Q. Materials Considered, section 2, you drafted that entire section; correct?
A. Sorry, John. Again, what page?
Q. I'm going to go through this consecutively.
A. What was the next page?
Q. Page 5, Roman numeral II, Materials Considered.
A. Yes.
Q. You drafted the table that's also on page 6; correct?
A. The table on page 6, yes.
Q. Okay.
A. This is documentation I was given to review.
Q. But you drafted that table?
A. Yeah, we wrote up the table together.
Q. Who is "we"?

A. Sarah and I had drafted it together.
Q. So who did the typing of that?
MS. JELENCHICK: Okay. Mr. Skeriotis, this is the exact issue that we went through with Dr. Batzer.
Q. When you say you drafted 95 percent, I thought you meant -- and correct me if I'm wrong -- you physically typed it up. Is that not correct?
A. In some instances, I reviewed what was drafted and rewrote, and in cases, I may have rewritten some of these aspects of it.
Q. I want to know how much of this declaration you actually typed up yourself.
MS. JELENCHICK: I'll continue to interpose the same objection.
MR. SKERIOTIS: That's fine.
A. 95 percent.
Q. Okay. So that's what I'm testing. So did you draft -- type up -- I'll use the words "type up" -- the table on page 6?
A. I don't remember if I actually wrote these words or not. I reviewed these words and I added to this. So I wrote maybe some of them but not all of them.
Q. Did you type that up?

A. Some of it I may have typed up.
Q. You don't know?
A. No. This is a long document. I don't remember exact -- amongst a lot of these tables that were drafted, the language in here is what I drafted.
Q. We're going to go through it. Hang on. I'm just asking you as we go through it because we're going to get ahead of ourselves.
A. That's fine.
Q. All right. So Summary of the Opinions, Roman numeral III, did you draft -- those paragraphs and those tables, did you type those up yourself?
A. Pages -- what pages? Page 4?
Q. Well, we're going to go with the lower number on each page. So that would be page 7 --
A. Page 7.
Q. -- all the way through to page -- top of page 17.
A. I didn't write all of the words, but I wrote many of the words that are drafted in here for the basis of this.
Q. You drafted many of the words, but you didn't type up all of them. Is that what you're saying?
A. Correct.

Q. Okay. The Legal Principle section, under Standing of Legal Standards, my understanding is this was not you at all. It came from counsel for the patent owner; correct?

A. This section here, it was drafted by them and reviewed by me.

Q. That's correct. That's fine. Okay.

Background, which would be Roman numeral V, overview of the '015 patent, did you type up this Background section?

A. Sorry, John, I'm not following what location you are at. You've got to refer to a page.

Q. Page 22, Roman numeral V, did you type up the Background section?

A. I can't recall on this one.

Q. Okay. And that continues all the way to page -- the top of page 26.

A. Yes, these are essentially copies and paste from patent. I can't remember -- 27, this is all my language too. So a lot of this is a hundred percent me drafting going forward.

Q. So on page 26, you drafted Roman number VI, and that continues all the way down to page 43. You typed all of that up yourself. Is that what you're saying?

A. Yes. This took me days.
Q. I'm asking if that --
A. Yes.
Q. I believe the most time you spent on this was 40 hours.
A. Days. Days.
Q. 40 days?
A. No. Days. That's days. Five days straight time, whatever I billed for.
Q. So you drafted all of this yourself, typed it all up?
A. Some elements of it are copy and paste from other sections.
Q. I understand. But you typed it up yourself?
A. There were some elements of this that were drafted over, so -- and they were reviewed by counsel.
Q. But you typed them up?
A. Yes.
Q. Okay. If we go to page 43, under Level of Ordinary Skill in the Art, you typed up that section as well that continues to page 44 at the top?
A. Page 43, this is reviewed with counsel, this section.
Q. So who typed up this section?

A. I don't remember if I typed it or they typed it.
Q. Who typed up Roman numeral VIII, Claim Construction?
A. Which page?
Q. On page 44, and it goes all the way to 49.
A. 44 to 49, minus the drawings, this is something I drafted.
Q. Okay. On page 49, Roman numeral IX, who drafted that section that continues on to -- hang on.
A. You said 52 or 49?
Q. Page 49 continues on to --
A. John, if I recite something to the attorney to put in here, it's not me typing the words. It's me explaining what's to state within each section. If you're saying this isn't my opinion or --
Q. I'm not saying that.
A. -- that I drafted it, then you're wrong.
Q. I'm not saying that, Mr. Teater.
A. Well, it bothers me at this point that you make those claims back to me, because I've reviewed this and drafted this. If counsel inputted some of the data here, specifically drafting it, I reviewed all that. And this is my -- this is my artwork, not theirs.

Q. I thought you said --
A. These are not my illustrations. This is my verbiage.
Q. Okay. Page 49 goes all the way down to the very end, to page 150.
Who drafted that 49 to 150? Who physically typed it up? Do you know?
A. A combination thereof.
Q. Okay.
A. It really bothers me --
THE WITNESS: Put this on the record.
A. -- that you would make remarks like that to me about drafting something and my experience. That bothers me.
Q. Well, what I'm trying --
A. Because that drawing that you gave me -- that you handed to me earlier, that was garbage. That was garbage.
Q. Okay. Anything else?
A. No.
Q. Okay.
A. That's all on the record for that.
Q. What I was trying to get at was, I'm trying to figure out how much of that you actually typed up yourself --

A. I understand.
Q. -- and how much of that someone else typed up.
A. No one coached me to do that, as to your point.
Q. I didn't ask you that. I just asked you how much of that you typed up yourself, and initially you said 95 percent, I believe. And then we got off of that, and I think it's something less. That's all. I'm trying to be accurate to see what you did as far as typing things yourself.
A. A lot of typing was done by me. I reviewed every single bit of documentation.
MR. SKERIOTIS: No further questions at this point in time. I reserve the right to conduct a recross after Ms. Jelenchick does her redirect, if she does.
MS. JELENCHICK: Before we go off the record and take a break before I do redirect, Ms. Court Reporter, can you tell me how much time is left for Mr. Skeriotis?
THE COURT REPORTER: 45 minutes.
MS. JELENCHICK: Thank you.
MR. SKERIOTIS: But I have an additional two hours of recross. It's in the rules.

MS. JELENCHICK: I understand that. That's not the point of me asking. I object to some suggestion that you were impeded in some way. There was ample time for you to --

MR. SKERIOTIS: Well, the deposition doesn't flow properly when all someone does is enumerate numerous objections in order to -- to do that on purpose.

You intentionally interjected a numerous amount of objections, and I think the record speaks for itself, Kadie. And we'll let the record speak for itself.

So I guess we'll take a break.

MS. JELENCHICK: I interposed objections that were appropriate under the circumstances. Whether you felt that that disrupted your flow -- I have similar feelings about how you conducted your questioning and attempted to disparage the witness and cut him off and malign my character and indicate that I was somehow doing something improper today.

So I don't want to hear from you about what you think or how things went. You have plenty of time to ask more questions. You're electing not to do that. If you want to recross under the time allotted under the rules, you're entitled to do that.

Let's take a break.

MR. SKERIOTIS: It's not about the amount of time I had to ask questions. It was about the flow of the question, and the depositions are supposed to be a conversation between the lawyer and the deponent.

MS. JELENCHICK: Disagree.

MR. SKERIOTIS: It's in the rules.

MS. JELENCHICK: You point to me where in the rules it says a deposition is a conversation between opposing counsel and the deponent.

MR. SKERIOTIS: It's 101 in depositions. If you don't know that, you need to look that up. I'm not going to point that out to you, but that's true.

MS. JELENCHICK: 101, where?

MR. SKERIOTIS: No. Meaning everybody knows that.

MS. JELENCHICK: That may be your practice. That is not deposition practice.

Let's go off the record.

MR. SKERIOTIS: Appendix D of the testimony guidelines says that, by the way.

MS. JELENCHICK: That it's a conversation?

MR. SKERIOTIS: That's correct.

So you asked about whether or not depositions are supposed to be a conversation between

the deponent and the cross-examining lawyer; correct?

MS. JELENCHICK: Subject, of course, to proper objections, which I believe my objections are proper.

MR. SKERIOTIS: That's fine.

MS. JELENCHICK: And I know where you're going to direct me to in the guidelines.

MR. SKERIOTIS: You asked me a question. I'm giving you the answer. Now you won't let me tell you.

Are you going to let me tell you, or not?

MS. JELENCHICK: All right. Tell me, Mr. Skeriotis.

MR. SKERIOTIS: It says, quote, Consistent with the policy expressed in Rule 1 of the Federal Rules of Civil Procedure and corresponding 37 CFR 42.1(b) unnecessary objections, "speaking" objections, and coaching of witnesses in proceeding before the Board are strictly prohibited. Cross-examination testimony should be a question-and-answer conversation between the examining lawyer and the witness. The defending lawyer must not act as an intermediary, interpreting questions, deciding which questions the witness should answer, and helping the witness formulate answers while testifying, period, end quote.

And that is what I was just talking about. That's what you have violated here today. So you asked me where it was, I gave it to you, and that's all I asked for. You acted like it wasn't in there, and I have now shown you it is.

MS. JELENCHICK: No. I am trying to understand what specifically has been objectionable, when I'm representing to you that I believe my objections were necessary. I understand you disagree with that.

Are you contending that I made speaking objections today?

MR. SKERIOTIS: Absolutely.

MS. JELENCHICK: Okay. Are you suggesting -- actually, I think you said that I was coaching the witness.

MR. SKERIOTIS: You were coaching the witness numerous times. And by the objections you kept making that were unnecessary, you are coaching the witness.

MS. JELENCHICK: I disagree.

Are you suggesting that I was acting as an intermediary today for Mr. Teater?

MR. SKERIOTIS: I told you before that you weren't his lawyer, yet you were acting as though you

were his lawyer.

MS. JELENCHICK: We don't have to retread old ground.

I'm here on behalf of the patent owner. He's offering testimony on behalf of the patent owner. I don't need to be his personal lawyer to be here today and to levy objections on behalf of the patent owner.

Let's see. Are you suggesting that I was interpreting questions for Mr. Teater?

MR. SKERIOTIS: I'll let the -- I'm not going to continue to answer this. I'm not on deposition. I'm just going to tell you the record is going to speak for itself. I told you what I was going to potentially do in this situation, and we're going to leave it at that between you and I. We have a difference of opinion. That's fine.

MS. JELENCHICK: Okay. We can agree to disagree.

Let's take a break.

(The proceedings recessed at 5:10 p.m.)

(The proceedings reconvened at 5:58 p.m.; Attorney Vernyuk and Attorney Schindler are not present.)

JONATHAN R. TEATER, resumes;

REDIRECT EXAMINATION BY MS. JELENCHICK:

Q. Mr. Teater, do you recall earlier today Mr. Skeriotis's questions directed to increasing power stroke in crossbow design?

A. Yes.

Q. Is increasing power stroke the only design consideration --

MR. SKERIOTIS: Objection.

Q. -- a person of ordinary skill in the art would consider?

MR. SKERIOTIS: Objection. Leading.

A. No. There are other aspects of that. One of the aspects is synchronization of cams and resultant limbs for accuracy purposes. Other ones could be human factor's designs into the system and configuration.

What was the question again, Kadie?

Q. Sure. I'm going to ask a different question.

What do you mean by human factors incorporated in the designing of the system?

A. Interface of the specific individual, in concert with their physical connection to the unit, for accuracy and shooting purposes.

Q. What other considerations would a person

of ordinary skill in the art have been mindful of in developing a new crossbow design?

MR. SKERIOTIS: Objection. Leading.

A. They would look at all features of the design, not just the power stroke specifically. So that would include the potential accuracy as a result of the configuration, which would be paramount. They would look at the reliability of the specific design and how it functions.

Those are the primary factors, other than the noise, speed, trigger -- peak trigger weight, those other factors that are included as part of that entire design.

Q. Do you have an opinion as to whether accuracy, reliability, noise, speed, peak trigger weight, the factors you've just referenced, would be impacted by the hypothetical proposed combination of Darlington and Norkus?

A. I think combining those would compromise -- it would take a gross action to material change their crossbow in order to get that to facilitate the type of performance one would suspect in the design.

So taking a component, as an example a cam from Norkus, and instituting it in a Darlington

design, as an example, would not institute the objective of the Darlington, as he stated in his teachings, as an example.

Q. How do you know that's the case?

A. Because Darlington made the specific reference of his goal in the design in his teaching that was -- that was his -- that was his reference specifically in the statement in the patent.

Q. Can you direct me to, in your view, what a person of ordinary skill in the art would understand Darlington's goal to be, or goals to be, with his designs?

A. Darlington predominantly wanted to ensure that the design itself didn't allow any torsion or torquing of the limb specifically in the propulsion sequence. That was his ultimate goal: increasing the potential accuracy.

So any offsets to that, specifically the swinging of the cables, creating torsion -- that's why he spread his limbs out over a longer distance -- created an opportunity to remove any negative responses.

That's why he also instituted a parallel design as well. That's why he gave multiple options in his patent.

Q. How, if at all, would Norkus compromise Darlington's stated objectives?

MR. SKERIOTIS: Objection. Leading.

A. Norkus wouldn't specifically -- the teachings of Darlington, prescriptively with Norkus's capability and design, it's hard to interface the two, as I stated earlier when I was discussing this with John, and I made a remark about that specifically.

So there were no teachings about helical power cables in Darlington's patent. Configuration of power cables, that was not described in the same manner.

His focus on power stroke or energy levels was not the primary focus of his design. Although all designs consider that point in some capacity. The predominance is Darlington would modify his specific design to include a displacement of the power cables, and essentially the helical design does that in Norkus.

Q. Mr. Skeriotis asked you whether a person of ordinary skill in the art could combine Darlington and Norkus.

Do you recall those series of questions?

A. Yes.

Q. In your view or in the view -- withdrawn.

In a person of ordinary skill in the art's view, merely being able to modify the design by the inclusion of one or more components from another design, doesn't mean that it's feasible; correct?

MR. SKERIOTIS: Objection. Calls for a legal conclusion.

A. Yes, that's feasible that no one would actually take that long road to do that.

Q. So you just said a few minutes ago that it would be hard to interface Darlington and Norkus.

Did I state that correctly?

A. Yes, it would be hard.

Q. Okay. Why -- well, first of all, what do you mean by "hard to interface"?

A. Differences in design components and -- predominantly their features or components don't necessarily line one for one, even two for one, or three for one. So you basically have to decompile the entire system and restart it.

Essentially you can't take one and overlay the other. Nor can you take a component and make an interface precisely without doing a major overhaul.

Q. Do you have any opinion as to how much overhaul would be required to combine Darlington and Norkus?

A. It would fundamentally change the design, so that would be material. Significant.

Q. Why do you say it would fundamentally change the design?

A. Because at no point did Darlington ever reference in his design the displacement of the power cables. That was not his focus. His focus was to develop a parallel system, eliminating any torsion on the limbs as a result of the power cables as they interface with the respective cams.

Q. Do you recall Mr. Skeriotis's series of questions directed to the Norkus reference in a proposed hypothetical combination with Kempf?

A. Briefly.

Q. What motivation, if any, would a person of ordinary skill in the art have to combine Norkus and Kempf?

MR. SKERIOTIS: Objection. Leading.

A. So based on my declaration, I made a statement surrounding this point specifically that --

Q. Where are you looking?

A. I'm still looking.

Q. Let me ask a different question.

Would a person of ordinary skill in the art be interested in combining Norkus and Kempf?

A. (The witness indicates nonverbally.)
Q. Why or why not?
A. No, because it adds complexity to the design that's not necessarily supportive of things like accuracy, just general functionality, and shoot ability. Those are issues with that Norkus cam system.
Modifying the power cables and that whole system in the design essentially changes the functionality. You can't just take a power cable system from this one, cam from this one, a limb configuration from this one and make it uniform. It doesn't work that way. It will never work that way in most instances.
Q. How do you know that's the case?
A. Because when I overlaid the designs, I looked at each individual component that I could potentially monsterize, and I felt that they're too drastically different in design. I'm not going to experiment with something like that that's so extremely different.
Unless it improves the overall accuracy of the design, and I'm reverse-engineering something -- I would have no intention to do that. I would start over.

Q. Is there any indication that a combination of Kempf and Norkus would improve overall accuracy?
A. Not likely.
Q. Is there any indication that a combination of Norkus and Kempf would increase power stroke?
A. Not necessarily.
Q. What do you mean by that?
A. You would have to drastically modify the cam system in order to create that. It's not just in placing a portion of it. The cam pulley system, in concert with the Kempf system, wouldn't increase the power stroke necessarily.
Q. When you're referring to drastically modifying the cam system, you're talking about a drastic modification to the Norkus cam system?
A. Correct.
Q. Or something else?
A. It could go in opposition, the Kempf or the Norkus. It's vice-versa in that example.
Q. You've used the word "monsterize" a couple of times today. What do you mean by that?
A. It's a definition of taking hokey engineering components and starting to come up with an experimentation design in order to get the results. Essentially taking components and picking and choosing

elements that may not function in totality, but using them as a basis to recreate something that doesn't exist. That's monsterize.

Q. Let's pull up what's been marked as Exhibit 1031.

Do you have that in front of you?

A. It's a drawing that they gave me.

Q. Exhibit 1031 isn't anything that you prepared, is it?

A. No.

Q. Do you recall Mr. Skeriotis's questions to you, in particular his hypothetical, that this proposed unit in Exhibit 1031 would have the power cables purportedly denoted in blue and red underneath or below the string?

A. Yes, I do.

Q. What consequence, if any, would such a configuration of the power cables being below the bowstring have on a unit designed like one in Exhibit 1031?

A. Particularly this is a split limb design, it's even more -- if you were to take both those power cables and put them underneath, you would have a high degree of torsion applied, and as a result, the upper limb would increase interior and then it would impact

the accuracy and overall movement. It would create -- not a straight axle movement, inducing some torque on the cam itself, impeding the ability for this crossbow to be accurate. A POS would never do that, or an expert witness would never do that.

Q. Why does it being a split limb design matter?

A. In this case, if the string, depending on -- the positioning of the string is relative to the cam orientation, at least initially, would allow some degree, with a reverse draw cam, to purport an arrow through the barrel. But this design doesn't allow that, in essence.

In addition to that, if you're talking about the original design -- you're referring to the original design?

Q. I wasn't asking about the original design. I was asking about the design in 1031.

As it relates to the design in 1031, how, if at all, would accuracy be impacted by this proposed design?

A. Significantly. If you put both the power cables, as stated, below the cam, so on the underside of that cam, that gave you the ability to control and essentially create power and tension as you draw back

the cam, flexing the limb and compression, the string cycle itself would be disrupted. Meaning it would be torsioned at one angle or the other, or potentially at an angle that would push the arrow in an obscure direction.

Q. As at least a person of ordinary skill in the art, do you perceive any advantages in the design depicted in Exhibit 1031?

A. Other than moving the string to the forward position, no.

Q. Are there any reasons a person of ordinary skill in the art would have been inclined to make such a modification to Islas?

A. I don't see why they would make these changes. Not to the benefit of the design, to the detriment.

Q. You referenced that at least the '302 Stanziale reference and the '062 Stanziale had 3 degrees of freedom.

Do you recall that testimony?

A. Yes.

Q. Can you explain for me the 3 degrees of freedom you were referring to as it relates to Stanziale '302?

A. So the Stanziale design --

Q. Which page are you on?
A. 53.
Q. You're on page 56.
A. Check. 56.
Q. Okay.
A. So the Stanziale system has the rotation of the cam. That rotation of the cam at that point in time, because of the lever action and its connection to the limb, fluxes forward initially. And then as it rotates rearward, so the Y-Z movement, that deflection, as the lever rotates towards the rear of the crossbow, the limbs themselves, as depicted in this figure, bend inward. As a result, that particular lever provides 3 degrees of freedom in totality. And then in the propulsion sequence, it's the complete opposite of the initial sequence.

I'll also note that the control mechanism is affixed directly to the limb pocket, which looks like there's an extended armature bolt component, something along those lines, that serves as a post, ensuring that the cabling and the lever itself does not move freely in the drawn position.

That's the way that's designed.

Q. What were you referring to when you said "control mechanism"?

A. So in 32, they reference to it as, I think, flexible -- they're strings that are intended to control the movement. So to limit some degrees of freedom and other axes in a three-dimensional tone, that's the intention behind those.

Q. You referenced an extended armature bolt component, something along the lines that serves as a post. Which specific component are you referring to? Can you give me a number?

MR. SKERIOTIS: Objection.

A. It looks like 32C in that particular drawing.

Q. Which drawing are you looking at?

A. Figure 4, page 56.

MR. SKERIOTIS: Objection. Mischaracterizes the testimony.

A. In this drawing, it's 265. It's not mounted to an axle. It's mounted to a fixed post.

Q. If you look at Figure 9 of the Stanziale reference --

A. Okay.

Q. -- do you recall Mr. Skeriotis's question directed to a common axis of rotation depicted in Figure 9?

A. I'm not sure if I recall his depiction of

it specifically.

Q. What's the axis of rotation for component 521?

A. The 521 is the cam.

Excuse me. All right. The 521 unit is not the cam. Those are the journals. Those are rearward. So those are not traveling in a direction towards the limbs, they're in opposition.

Q. What does that mean?

A. So the 521 journals that are in here, they move in the same orientation of the cams as it's being drawn, so they move in a clockwise -- counterclockwise. But as they're pulled rearward, they're moved outward and then backwards.

Q. How does that movement compare to the movement disclosed in Claim 1 of the '015 patent?

A. It's different.

Q. Can you explain to me how it's different?

A. Yes. The cabling or the take-up journals that are in concert, the helical journals that are integrated into the cam, they move not in opposition to one another. They move interior or towards one another in design.

So the string movement is identical in the sense that it moves rearward as a comparative. But

because of the cabling system -- and there's discrimination in devices, specifically the helical journal, they move towards each other, which is unique as compared to the '302 Stanziale design.

Q. How about with respect to the '062 Stanziale design? You indicated previously, if I understood your testimony, that that too discloses 3 degrees of freedom.

What did you mean by that?

A. Yes, it does. The Stanziale design, the '602 [sic], is unique in the sense that it has -- so the lever arm that the cam is connected to essentially rotates outward and rearward. The cam itself moves around the axle but essentially pulls the orientation of the specific cams away in some capacity from the center point. But in reality, it's downward and back.

Q. How does that movement compare to the movement of the cams or the power cable take-up journals in the '015 patent?

A. Well, depending on the degree of the elastic members being bended, the compression point, they're not necessarily moving towards each other. In fact, they could be in a fixed radial so they're not even moving in any relationship towards one another.

So it's really in opposition of that,

where the cams come in closer. These cams are moving outwards. As in drawing Figure 18, it's away, hence the Y axis is being pushed upward and out.

Q. Would the particular disclosed arrangement of the '062 Stanziale cams be feasible in any other crossbow design?

MR. SKERIOTIS: Objection. Form.

A. I don't believe you would want -- this is an archaic system of design. It's not feasible that anybody at this point in time would want to take this configuration and utilize it for design purposes, primarily because of the volume of moving components and the failure rate is so stated with ease, including there's a compression valve in here, compression spring, and other components that are interfacing directly with the cam -- excuse me -- limb.

And that degree of freedom that it provided between these two creates an inaccuracy because of the volume of movement accordingly. That's why that design doesn't work well.

Q. Would there be any scenario that a person of ordinary skill in the art would consider adopting the design in the '062 Stanziale reference for utilization in another crossbow?

A. No.

Q. Why do you say that?

A. Having this volume of degree of movement in a cam system, a POS would understand that -- a POSA would understand that -- sorry -- would understand that degree of freedom limits consistency in propulsion, which is a major issue when you're coming up with a design configuration.

Meaning any -- all small movements amplify and create inaccuracies in the string propulsion sequence. That's why they wouldn't choose that design, and I explain that in here.

Q. Is there a specific paragraph you're referring to?

A. Well, one I talked about in 107, the differences between the two specifically.

112, I talk about some of the other specifics related to that, page 79, combining and looking in a similar fashion.

Q. Would there be any set of circumstances that a person of ordinary skill in the art would consider adopting the Stanziale '302 design for utilization in another crossbow?

A. No. And it's likely because of the lever weight, the POSA would never consider putting something of that magnitude outward like that. The

volume and noise that would be created because of that component alone would dissuade anybody from designing a crossbow that way.

I should include -- vibration is also a component to consider because of the movements.

Q. If I understand your testimony from earlier today, you indicated that Stanziale '302 does not contain helical power cable take-up journals.

Did I understand your testimony correctly in that regard?

A. Correct.

Q. And in reaching that opinion, what was that based on?

A. For '302?

Q. Yes.

A. Because it doesn't have interfacing power cables that specifically -- can you ask the question one more time?

Q. Sure. Why did you reach the opinion that a Stanziale '302 lacks helical power cable take-up journals?

A. The Stanziale design doesn't specifically depict helical journals in the writing, nor does it describe those being connected in a format that has some relative functionality to the rotation of the

cam, and as such, it dissuades any impact of the string or string guidance.

Q. Your conclusion that Stanziale '302 is not a helical power cable take-up journal isn't simply because Stanziale uses different words to describe its functionality, is it?

MR. SKERIOTIS: Objection. Leading.

A. No, it's not based on different words, it's based on the functionality of the design.

Q. In your view, would a person of ordinary skill in the art reach a conclusion about what Stanziale '302 discloses based solely on use of the word "helical"?

MR. SKERIOTIS: Objection. Form.

A. Say that again, Kadie, please.

Q. Sure. You reached a conclusion that Stanziale '302 is not a helical power cable take-up journal -- that the Stanziale '302 reference does not disclose a helical power cable take-up journal. Would a person of ordinary skill in the art -- or how would a person of ordinary skill in the art understand the use of "helical" by Mr. Stanziale?

MR. SKERIOTIS: Objection. Form.

A. The helical itself would have some representative movement, a spiraling motion, to

support, to the benefit of the cam and the limb system, functionality and performance.

Q. Would the Stanziale '302 unit be operational if it only utilized the helical shape without its 3 degrees of freedom?

A. No.

Q. How do you know?

A. Because the interface of the component is so significantly involved in the sense that it's trying to function in a different manner than currently prescribed, and the patent '015 is a comparative.

Q. What do you mean by that, that the patent '015 is a comparative?

A. Well, ask the question again so I understand.

Q. If the Stanziale '302 unit did not have its 3 degrees of freedom, is there any disclosure that the helical shape would have any function?

MR. SKERIOTIS: Objection. Form. Leading.

A. I'm having a hard time thinking through that question, Kadie. I'm sorry. I don't understand the relationship to the question and the product parts.

Is it a question of replacing the helical -- are you asking the question, is it replacing helical instead of the --

Q. Let's look at the annotated Figures 2 and 4 in your declaration at page -- your page 53, declaration page 56.

A. Okay.

Q. For example, in Figure 2, if the components that are colored in green were omitted from the Stanziale design, would this crossbow be operational -- would a person of ordinary skill in the art understand --

A. No.

Q. -- if this crossbow could be operational?

A. No. It's integral to the design, hence the inclusion of the component. Removing that component alone would make this design unfunctional.

Q. How about if you look at the annotated Figure 17 in your declaration, at your page 71, the declaration page 74.

A. Okay.

Q. If you removed the components that are colored in yellow and green, would a person of ordinary skill in the art have an opinion as to the operability of this design?

A. The design couldn't function without those two components. So they're essential for the actual design of the unit.

Q. Looking at paragraphs 27 and 28 of your declaration, do you recall Mr. Skeriotis's questions directed to you about those two paragraphs, 27 and 28?

A. Yeah. Yeah, I do. I do remember those. He was questioning the purpose behind the writing.

Q. Did you draft paragraphs 27 and 28?

A. I did.

Q. What was the point of the inclusion of these two paragraphs in your declaration?

A. It was not intended to be verbose. It was intended to be clear on the specific patent design, its related benefit, and the overarching growth and expansion and capability as a result of this particular patent.

This patent at that point was an advancement, I believe, as compared to other patents that I had reviewed, specifically in this dec, and I wanted to highlight its capability and extension and functionality.

Q. Look at paragraph 90 of your declaration.

Do you recall Mr. Skeriotis's questions directed to the citation or the lack of citation for

the first sentence of paragraph 90?

A. Is this Claim 1 of the '15 patent? Kadie, is that what you're referring to?

Q. Yes. So paragraph 90 states in the first sentence that Claim 1 specifically requires that the first and second power cables, paren, also referred to in the written description as the upper and lower power cables, close paren, are displaced, quote, away from the first and second planes of rotation of the first and second draw string journals, period, close quote.

A. Yeah.

Q. Okay. Did you review column 4, lines 50 through 55, as part of the preparation of your declaration in this case?

A. I did. I underlined that section there, some of those elements, when I reviewed it.

Q. Okay. And what specifically do you have underlined?

A. The helical journals 122 splice the power cables 102 away from the draw string 114 as the bow is drawn from the least configuration 116 of the drawing configuration 118, height 140 of the helical journals 122 raises the -- and then I stopped underlining.

Q. If you finish that sentence, height 140 of

the helical journals 122 raises the power cables 102 above top surface 142 of the string guides 104 -- do you see that?

A. Yes.

Q. Does that identify upper and lower power cables in the written description of the patent to a person of ordinary skill in the art?

A. It does in that -- now that I look at it, it does. Upper and lower displacing, so there isn't any contact, so things pass freely underneath the power cables or components, yes.

Q. Is that what you meant in the first sentence of paragraph 90 of your declaration, or did you mean something else?

MR. SKERIOTIS: Objection. Leading.

A. Yeah, I think I was confused with some of the other conversations we were having at that time because I think we were talking about Stanziale. That's the only thing I can remember at that point.

Q. So what did you mean by that first sentence in paragraph 90 as it relates to an identification of the upper and lower power cables?

A. I think the intention was to recite what was specifically stated here and create an opportunity for essentially a gap, allowing, you know, some of the

elements and the power cables to be freely moved above those particular elements.

Q. Were any of your responses to Mr. Skeriotis's questions today interrupted by Mr. Skeriotis?

MR. SKERIOTIS: Objection.

A. There were a couple of instances where I felt --

Q. Please go ahead.

A. There were a couple of instances where I felt like I couldn't finish what I was saying.

MS. JELENCHICK: What's the basis for your objection, Mr. Skeriotis?

MR. SKERIOTIS: Mr. Teater's testimony. He's already testified that I didn't interrupt him. You're just trying to get him to say that, it's clear and obvious.

Q. Did you testify today that Mr. Skeriotis didn't interrupt you today?

MR. SKERIOTIS: Objection. The record speaks for itself.

A. I didn't make that remark specifically. There were times where we -- I didn't feel like he interrupted me, for sure, and there's one or two instances I wanted to say a little bit more, but I

took a pause because of the interruption. But...

Q. Did you have any agreement with Mr. Skeriotis that he should interrupt you?

A. No. Would we both agreed that we --

MR. SKERIOTIS: Objection.

A. -- wouldn't interrupt each other.

Q. Once Mr. Skeriotis began asking you questions today, at any point, over the course of this questioning, did I discuss the substance of your testimony with you?

A. No, no substance discussions.

Q. At any point, over the time when Mr. Skeriotis was questioning you today, did I suggest in any way how you should respond to the questions that were posed?

A. No. I made the remark I should slow down. That was the only thing that was stated. You did not respond to that question -- or statement that I made.

Q. At any point today, when Mr. Skeriotis was questioning you, did you feel like I was coaching you or that your testimony was being coached in response to the questions that had been posed?

A. No, because I don't understand the procedural aspects of this to some degree, and so I have no concept of what your objections were for.

MS. JELENCHICK: No further questions.

MR. SKERIOTIS: Okay. Can we go off the record?

(The proceedings recessed at 6:53 p.m.)

(The proceedings reconvened at 7:05 p.m.; appearances as before noted.)

MR. SKERIOTIS: Okay. So it is 7:05 Eastern Standard Time right now. We're back on the record.

We're having a disagreement between the parties, Ravin and TenPoint, regarding continuing this deposition at this late of time. TenPoint wants and needs to conduct its recross pursuant to the PTAB rules, and it gets up to two hours to do so.

Ravin has concluded -- started and concluded its redirect, and it took approximately an hour, and Ravin took approximately 48 minutes after the conclusion of cross-examination before starting back up with their redirect.

They were apparently going over Mr. Teater's testimony, or outside this room, but didn't come back for 48 minutes, and that has led to also the additional time period being delayed.

But substantively, the reason is, the court reporter is tired. She has to get home. She

has an hour-and-40-minute drive. She has stated to us off the record that she is exhausted, and rightfully so, pursuant to the deposition starting at 9 a.m.

And also I note that we're going to also rely upon the notice of deposition to Mr. Teater that we served -- the amended notice that said this was to continue until completed. So Mr. Teater, in our opinion, knew or should have known that it was going to be or having to potentially be completed the next day, tomorrow, January 23rd.

He has instructed -- let me know for the first time today that he is unavailable for tomorrow. I found that out at 7 o'clock, approximately, Eastern Standard Time, that he wasn't available tomorrow. That was not told to me prior to this time.

And so therefore, pursuant to this, we are requesting that this deposition be continued for the two hours of recross that TenPoint is allowed to under the rules. We are amenable to doing this as well under -- pursuant to a video conference rather than in person to avoid the expense of having everyone present.

My understanding is Ravin has objected to that. I'm going to let Ms. Jelenchick speak on her behalf. I may have some follow-up, when she's done, but I believe that sets forth our position regarding

Mr. Teater's continued or the recross of Mr. Teater's deposition.

MS. JELENCHICK: Mr. Teater's deposition notice identifies that it was to begin at 9 a.m. on January 22nd until completed. It does not identify that it's going to continue from day to day, exclusive of Sundays and holidays, as would a notice typically include in the ordinary course.

In my view, and in view of the discussion and the motion practice that we had relating to petitioner and Mr. Batzer's unilateral termination of his deposition, I made clear on the record at that time, when it comes time to produce our witness, he would be made available and sit for the duration of the day until concluded.

We are prepared to sit and complete the deposition today, particularly in view of Mr. Teater's previous professional obligation tomorrow on January 23rd, also because myself, I missed my flight home to accommodate the conclusion or what I thought would be the conclusion of this deposition.

What appears to be the case is that petitioner is seeking additional time to develop further content, likely in consultation with counsel who is no longer on today's deposition. And the

purposes of delaying it to allow that to unfold is not within the letter of the spirit of what today's cross-examination should include.

Today's redirect was less than an hour. Even including the time spent off the record, between the conclusion of cross and the beginning of redirect, the accumulation of that time is still less than half the time that patent owner is entitled to have under the rules for redirect.

I suggest and believe the more prudent course would be to continue with the questioning and see how much time we need, and when the court reporter is no longer able to continue working, we can consider at that time adjourning. It's not clear to me that Mr. Skeriotis actually has up to two hours of questioning.

MR. SKERIOTIS: Finally I'll say it's unreasonable for anyone to believe that a court reporter can go 13 hours of transcript recording in one day, because the rules contemplate seven hours for cross, four hours for redirect, and two hours for recross. That is unreasonable for any court reporter to have to do.

And you do know, and I guess we'll have to ask the court reporter to make a statement on the

record, that she is exhausted and that she can no longer continue, because you, Ms. Jelenchick, seem to have questioned that, and I think that's horrible you would say that, when you know what she told us before we started. And that's not fair to her.

MS. JELENCHICK: I understand that we're all tired, and I'm not discrediting anything that you're saying about you being tired, the witness being tired, me being tired, Mr. Skeriotis being tired.

MR. SKERIOTIS: She said she's exhausted.

THE WITNESS: So am I.

MS. JELENCHICK: So am I. So are you.

MR. SKERIOTIS: She's the one that has to take this down, and she the one who says she can no longer continue.

MS. JELENCHICK: We have not been on the record for 13 hours and --

MR. SKERIOTIS: No. I'm saying that that's what's required of the rules. So you should know that no court reporter can go 13 hours in one sitting. So you knew or should have known that this deposition was going to be continued from day to day, and that means tomorrow. And you not knowing that is an unreasonable assumption on your end.

MS. JELENCHICK: Well --

MR. SKERIOTIS: I don't have anything further to say. Thank you.

MS. JELENCHICK: My assumption is based on what is stated in the notice. The notice does not say it's continuing day to day.

MR. SKERIOTIS: That's fine.

MS. JELENCHICK: You had every availability to bring a second court reporter for the completion of your deposition.

So, Ms. Court Reporter, if you would like to make some remarks on the record about your ability or lack thereof to complete today's transcript, I'm happy to include that. And if you don't want to comment, that's fine too.

THE COURT REPORTER: I would rather not.

MR. SKERIOTIS: No further comments from me.

We'll maintain our objection, and we're not waiving our recross-examination, and I guess the parties will take this up with the Board. Thank you.

THE COURT REPORTER: Can I get your orders?

MR. SKERIOTIS: Electronic.

MS. JELENCHICK: I don't need a copy.

(TIME: 7:14 p.m.)

CERTIFICATE OF REPORTER

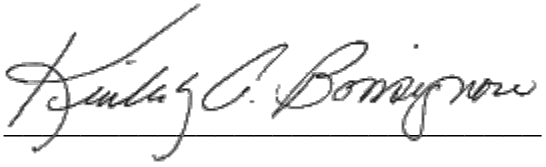
I, KIMBERLY A. BONSIGNORE, hereby certify:

That the foregoing pages were taken before me at the time and place therein set forth;

That the proceedings were taken down stenographically by me and thereafter formatted into a full, true, and correct transcript of same;

I further certify that I am neither counsel for nor related to any parties to said action, nor in any way interested in the outcome thereof.

Dated this 29th day of January 2024.



Kimberly A. Bonsignore

A C K N O W L E D G M E N T

I hereby certify that having been first duly sworn to testify to the truth, I gave the above testimony on January 22, 2024.

I FURTHER CERTIFY that the foregoing transcript is a true and correct transcript of the testimony given by me at the time and place specified.

_____

Jonathan Teater

Subscribed and sworn to before me
this _____ day of _____ 20 ___.

_____

Notary Public

E R R A T A S H E E T

Deponent: Jonathan Teater

Deposition Date: January 22, 2024

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Under penalties of perjury, I declare that I have read the foregoing deposition and hereby affix my signature that same is true and correct, except as noted above.

_____ _____
Jonathan Teater Date

Sworn to before me this _____ day of _____, 2024.

_____
Notary Public

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