UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

RAVIN CROSSBOWS, LLC,	)	
	)	**Case No. 5:23-cv-598**
Plaintiff,	)	**Akron, Ohio**
	)	**Tuesday, November 21, 2023**
vs.	)	**10:18 a.m.**
	)	
HUNTER'S MANUFACTURING COMPANY, INC.,	)	
	)	
Defendant.	)	

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE

CLAIM CONSTRUCTION HEARING

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P R O C E E D I N G S

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THE COURT: Please be seated.

Please call the case.

10:17:32 COURTROOM DEPUTY: The case before the Court is Case Number 5:23-cv-598, Ravin Crossbows, LLC versus Hunter's Manufacturing Company.

THE COURT: All right. I'll ask lead counsel to please identify yourself for the record and also identify if

10:17:46 you have co-counsel and/or a client or client representative present, and we'll begin with the plaintiff, Ravin.

MS. JELENCHICK: Good morning, Your Honor.

Kadie Jelenchick of Foley & Lardner, LLP.

Here with me is my colleague, Michelle Moran.

10:18:04 Also Roland Schindler of Ravin has joined us today as a representative of Ravin.

THE COURT: Very well. Good morning.

MR. SKERIOTIS: Good morning, Your Honor.

I am John Skeriotis with the law firm of Emerson

10:18:18 Thomson Bennett.

Sitting next to me is co-counsel Sergey Vernyuk. And we have a new lawyer to our office, Seth Niemi. He is not in the case, but I've asked him to participate. He's never seen anything like this before. So

10:18:29 this is his -- he's getting ready to take the February bar;

Patents are broader than simply the embodiments depicted in the figures. So while there are certain exemplary connections that are shown, that doesn't mean other connections could not be used.

12:43:46 But importantly, whatever that connection is going to be, it is going to be sufficient to embrace what Mr. Yehle contemplated, that the cam will rotate, but it also is going to move with the limb.

And then one last remark. I do apologize to the

12:44:06 Court for any confusion. I did misspeak as it relates to the decision coming out of the IPR as it relates to claim 1 of the '015 patent. It is July. So I did misspeak about that.

THE COURT: Okay. So let me ask you,

12:44:22 Mr. Skeriotis says you can't use the term to define the term. You can't use mounted to to define what mounted to means. That was his first argument, why he thinks Ravin's definition is incorrect.

MS. JELENCHICK: I think he's missing the point of

12:44:40 what our proposed construction is.

Our construction is that the rotation that we're talking about, mounted to -- the cam being mounted to the limb and rotatable about a fixed axis, that rotation is limited to the particular type of rotational arrangement

12:45:00 that Mr. Yehle details in the claims and in the

specification.

We're not saying that -- we're not saying that mounted to has a meaning other than what a person of ordinary skill in the art would understand. A person of
12:45:14 ordinary skill in the art may understand that mounted to could very well mean a direct or indirect connection between the cam and the limb. But whatever that connection is, it must be such that the cam can only rotate about the fixed axis of the limb. Not rotate in another degree of freedom.

12:45:35 THE COURT: So, I mean, do you object to connected to?

MS. JELENCHICK: For mounted?

THE COURT: Right.

MS. JELENCHICK: No.

12:45:41 THE COURT: So --

MS. JELENCHICK: Provided there -- provided there's this rotational relationship.

THE COURT: Exactly. That's the key part to what you believe the definition has to encompass?

12:45:55 MS. JELENCHICK: Right. And we didn't hear anything from Mr. Skeriotis disclaiming away those portions of the specification where it is very clear that this is the arrangement that is contemplated between the limb and the cam. Instead we heard about the mount and the arrow rest
12:46:08 and other things.

THE COURT: Right.

MS. JELENCHICK: Which don't use the rotatable about a first axis type of constraint.

THE COURT: Right. Because he was trying to make a point of whether it's mounted or connected to, indirectly or directly, versus some that are actually a direct connection into the limb versus this, which is connected to the limb, and not somehow incorporated into the limb.

Do you understand? I think that's what he was trying to say.

Yes, Mr. Skeriotis?

MR. SKERIOTIS: Your Honor, I've got to be honest, I don't follow their argument.

THE COURT: But you were trying to differentiate connected to?

MR. SKERIOTIS: Correct.

THE COURT: And you're saying this is connected to, directly or indirectly, and you're saying this is indirectly connected?

MR. SKERIOTIS: That's correct.

THE COURT: Versus somehow a connection that is within the limb?

MR. SKERIOTIS: Correct. That would be a direct connection.

THE COURT: Right. You were differentiating.

MR. SKERIOTIS: That's correct.

THE COURT: Okay.

MR. SKERIOTIS: I was just saying mounted to could be direct or indirect, because there are other uses of mounted to that are directly connected.

12:47:18

So we have to interpret it across the patent consistently. And so in some cases direct mount, in some cases it's indirect.

THE COURT: Well, I think Ravin's attorney is

12:47:29

saying it doesn't matter because what's key here is that it is on an axis that allows the cam to rotate?

MR. SKERIOTIS: That's correct. And that's what I think she's saying, but it's already in the claim.

MS. JELENCHICK: But it needs to be limited to

12:47:42

that type of rotation. If there's an indirect connection, if the cam is indirectly connected to the limb vis-a-vis 5, 10, 15, 20 different components, you could envision various and sundry degrees of freedom of rotation and how these cams may rotate relative to the limb.

12:48:03

The importance is limiting it to that single degree of freedom, and that single rotation of the cam while the limbs flex.

And that's what Mr. Yehle stated in the specification in the claims.

12:48:15

MR. SKERIOTIS: Ask her where that is in the

patent. Where is "degrees of freedom" anywhere in the patent, anywhere? Find me one spot where it says "degrees of freedom." Those words do not appear. "Freedom" does not appear.

12:48:27 And so if you take a look at claim 1 and, again, we first start with the claim. A first cam is mounted to the first flexible limb, and her rotation is right there.

What she's asking for, Your Honor, is already there, rotatable around a first axis. It's already limiting 12:48:41 it to it. It's already saying that a cam is rotatable around a first axis. Why are you putting it back into mounted to? Why are you saying it's now fixed on a first axis -- rotatably fixed on a first axis when it already says it's rotatable around a first axis? You don't need that. 12:48:56 It's redundant. It's already limited to -- it's doing everything she's asking in the latter portion of the claim 1 that I gave as the example.

So, and again, we just -- we have to look at the other claims, 31 and all those other ones I talked about and 12:49:10 other disclosures, to really get the context of mounted to.

THE COURT: Okay. Anything further on this issue?

MS. JELENCHICK: I mean, Mr. Skeriotis wants to know where does it say "degrees of freedom." While that phrase specifically doesn't appear, a person of ordinary 12:49:24 skill in the art, in understanding the particular prior art

references that we talked about, is Liz Shaffer.

During the prosecution, they're going to understand that the only degree of freedom, based on the connections that those particular references disclose, is this rotational movement. There are no other -- no other movements contemplated.

12:49:40

And by interposing this indirect connection concept, connecting things indirectly is going to interject additional degrees of freedom and potential movement of the cam and the limb that's not contemplated by the specification.

12:49:59

THE COURT: So you are objecting to inserting the word "indirectly"?

MS. JELENCHICK: Well, I think a person of ordinary skill in the art would understand the plain and ordinary meaning of mounted to. How is the cam mounted to the limb? A person would look and see.

12:50:08

I think if Mr. Schindler held up any one of these crossbows, you would see there's different ways that that cam --

12:50:21

Let's pull one of those crossbows up.

There's different ways that the cam is affixed, connected to the limb. We know the cam has to be connected to the limb in some way, because otherwise, when those power cables wrap, how else are the limbs going to flex?

12:50:34

So we don't dispute that there's a connection. That connection may vary, directly, indirectly. But importantly, if there's some type of indirect connection, the rotational constraint needs to be embraced in any construction adopted by the Court.

THE COURT: So I guess I'm wondering why you agreed that mounted to needed to be defined as one of the terms that the Court had to construe.

MS. JELENCHICK: Because Mr. Skeriotis and TenPoint will not agree that the only type of rotation is that single degree of rotation of the cam as the limb moves.

THE COURT: So, I mean -- so it's your position, really, is that mounted to doesn't need -- a person of ordinary skill in the art would understand what mounted to means, and the key part of this claim is to the first flexible limb and rotatable around a first axis, the rotatable around a first axis is key to this claim?

MS. JELENCHICK: Right. And if there's any insertion of this indirect concept, then it needs to be apparent and made plain that regardless of the direct or indirect connection between the cam and the limb, there needs to be this rotational constraint. That it's the only type of rotation that is contemplated by the patent claims and the specification and the file history.

THE COURT: Okay. Which is why your definition

doesn't substitute words for mounted to, because that's not key to the first claim as far as Ravin is concerned?

MS. JELENCHICK: That's correct.

THE COURT: Okay. All right. So, Mr. Skeriotis, before we have a late lunch, any final word on the topic?

MR. SKERIOTIS: No. But thank you for giving me the opportunity, Your Honor. No.

THE COURT: Of course. All right. Let's -- how about if we come back at 1:30.

12:52:42 COURTROOM DEPUTY: All rise. This court is in recess.

(Recess at 12:52 p.m., and the proceedings resumed at 1:57 p.m.)

THE COURT: All right. Please be seated.

13:57:18 And let's go to our next term.

(Discussion held off the record.)

THE COURT: Whenever you're ready, please proceed.

MS. JELENCHICK: Good afternoon.

The second term in dispute between the parties is 13:59:53 the claim phrase "first ends" in the context of a pair of first power cables having first ends received in the first upper and lower helical power cables journals and the second ends attached to static attachment points on the crossbow.

And this disputed claim phrase appears in only two 14:00:21 of the patents, the '073 patent and the '728 patent.

the matter under advisement, and we'll issue a written ruling.

Everyone take care, be safe, and have a happy Thanksgiving. For those of you who are traveling, safe travels.

15:25:54

All: Thank you, Your Honor.

COURTROOM DEPUTY: All rise. Court is adjourned.

(Proceedings concluded at 3:25 p.m.)

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C E R T I F I C A T E

I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

/s/ Mary L. Uphold 11/21/23
Mary L. Uphold, RDR, CRR Date

/s/ Lori A. Callahan 11/21/23
Mary L. Uphold, RDR, CRR Date