

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

BAZOOKA FARMSTAR, LLC,

Petitioner,

vs.

Case No. IPR2024-00004

U.S. Patent No. 11,491,835

NUHN INDUSTRIES, LTD.,

Patent Owner.

REMOTE VIDEO ZOOM DEPOSITION OF
DOUGLAS S. PRAIRIE

DATE: January 24, 2025

TIME: 8:25 a.m. CT

PLACE: Videoconference

REPORTED BY: NANCY G. GISCH, RMR, CRR, CLR, CRC
(Via videoconference)

1 The videoconference deposition via
2 Zoom of DOUGLAS S. PRAIRIE, taken on January 24,
3 2025, commencing at approximately 8:25 a.m. CT,
4 before Nancy G. Gisch, Registered Merit Reporter,
5 Certified Realtime Reporter, Certified LiveNote
6 Reporter, Certified Realtime Captioner, a notary
7 public in and for the State of Wisconsin.

8
9 A P P E A R A N C E S

10 (All appearances via videoconference)

11
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25 (Appearances continued on next page.)

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I N D E X

1		
2	WITNESS: DOUGLAS PRAIRIE	PAGE
3		
4	EXAMINATION BY MR. STEMLER.....	6
5		
6	EXHIBITS MARKED AND REFERRED TO:	
7	EXHIBIT 42.....	35
8	Patent Owner's Revised and Conditional	
9	Motion to Amend	
10	EXHIBIT 1001.....	33
11	United States Patent	
12	Patent No.: US 11,491,835 B2	
13	Bazooka v. Nuhn - IPR2024-00004	
14	EXHIBIT 1169.....	96
15	Affidavit of Nathaniel E Frank-White	
16	Bazooka v. Nuhn - IPR2024-00004	
17	EXHIBIT 2106.....	13
18	Declaration of Douglas S. Prairie	
19	Regarding Patent Owner's Revised	
20	Motion to Amend	
21	U.S. Patent No. 11,491,835	
22	Bazooka v. Nuhn - IPR2024-00004	
23		
24	(Original exhibits attached to original	
25	transcript; copies to counsel.)	

1 P R O C E E D I N G S

2 VIDEOGRAPHER: Good morning. We're
3 going on the record at 8:25 a.m. on January 24,
4 2025.

5 Please note this deposition is being
6 conducted virtually. Quality of recording
7 depends on quality of camera and internet
8 connection of participants. What is seen from
9 the witness and heard on the screen is what will
10 be recorded.

11 Audio and video recording will continue to
12 take place unless all parties agree to go off the
13 record.

14 This is Media Unit 1 of the video-recorded
15 deposition of Douglas Prairie taken by counsel
16 for the petitioner, in the matter of Bazooka
17 Farmstar, LLC versus Nuhn Industries, Limited,
18 filed in the United States Patent and Trademark
19 Office before the Patent and Trial Appeals Board,
20 Case No. IPR2024-00004.

21 My name is Dave Young. I'm the
22 videographer.

23 Our court reporter today is Nancy Gisch.

24 We are both representing Veritext Legal
25 Solutions.

1 I am not related to any party in this
2 action, nor am I financially interested in the
3 outcome.

4 If there are any objections to this
5 proceeding, please state them at the time of your
6 appearance.

7 Will counsel now state their appearances
8 and affiliations for the record, beginning with
9 the noticing attorney.

10 MR. STEMLER: Yes. This is Taylor
11 Stemler from the law firm Merchant & Gould, PC.
12 I am counsel for Petitioner Bazooka Farmstar,
13 LLC.

14 MR. LUCHSINGER: My name is James
15 Bradley Luchsinger. I am an attorney at
16 Harness IP law firm. We represent the patent
17 owner, Nuhn Industries, in this proceeding.

18 VIDEOGRAPHER: And will the court
19 reporter please swear in the witness and then we
20 can proceed.

21 DOUGLAS S. PRAIRIE,
22 duly sworn, was examined and testified as follows:

23 EXAMINATION

24 BY MR. STEMLER:

25 Q. Good morning, Mr. Prairie.

1 A. Good morning, Mr. Taylor -- or Taylor.

2 Q. How are you doing this morning?

3 A. I'm good.

4 Q. Thank you for joining us today.

5 Mr. Prairie, you understand that your
6 testimony today is under oath. Right?

7 A. I do.

8 Q. And that this testimony has the same force
9 and effect as if you were in a courtroom, in
10 front of a judge or jury.

11 A. I understand.

12 Q. I will attempt to make my questions clear
13 today. If you don't understand me, could you
14 please ask me to repeat or rephrase my question.
15 And I will do my best to do so.

16 A. I will do that.

17 Q. If you go ahead and answer, everyone will
18 assume that you've understood the question.

19 Does that make sense?

20 A. Yes, it does.

21 Q. Okay. Do you understand that the
22 testimony you are providing today is being
23 recorded by a court reporter?

24 A. Yes, I do.

25 Q. And do you understand that it's important

1 for the record, that you answer audibly, rather
2 than shaking your head, yes or no?

3 A. Yes, I understand that.

4 Q. Okay. It's also important that you and I
5 don't talk over each -- talk over each other
6 during today's deposition. And, for that reason,
7 I'll do my best to wait until, you know, you
8 finish answering. I ask that you do the same
9 with me.

10 Does that make sense?

11 A. Sounds good, Taylor.

12 Q. Okay. Mr. Prairie, is there any reason
13 that you can't give fair and accurate testimony
14 today?

15 A. No, there is not.

16 Q. Where are you located today?

17 A. I reside in Brookings, South Dakota today.

18 Q. And that's where you're sitting for this
19 deposition?

20 A. Correct, yes.

21 Q. Okay. What did you do to prepare for
22 today's deposition?

23 A. I reread through my declaration, worked
24 through the '835 patent, and had some preparatory
25 meetings with Brad here this week.

1 Q. And when you say "the '835 patent," I'm
2 going to assume that you mean Patent
3 No. 11,491,835.

4 Is that correct?

5 A. Yes, that is the correct patent number.

6 Q. Okay. You mentioned that you met with
7 your attorney, Mr. Luchsinger -- Luchsinger. How
8 many times did you and Mr. Luchsinger meet?

9 A. This week here, we met early in the week
10 for discussion. Just, kind of, talking about the
11 details of the deposition today. And then
12 yesterday we discussed for a few hours a --
13 preparatory discussions.

14 Q. How many hours?

15 A. I would say we're probably in the -- six
16 hours or so, approximately, this week.

17 Q. Okay. And is that six hours between
18 Monday and yesterday or just six hours yesterday?

19 A. I would say that's -- I would say
20 approximately six hours between -- this week
21 here.

22 Q. Okay. Including both Monday and
23 yesterday, then.

24 A. Yeah. I think it was a Tuesday meeting
25 and a yesterday meeting.

1 Q. Okay. You also mentioned that you
2 reviewed the '835 patent.

3 A. Yes, I did. I -- I read through that
4 again and just -- just to, kind of, refresh my
5 memory on the term -- the -- the details of that
6 patent.

7 Q. Okay. Did you meet with anybody else from
8 Harness IP, other than Mr. Luchsinger?

9 A. No. I think Brad was the only one that we
10 met with this week.

11 Q. Did you meet with anybody from Nuhn
12 Industries?

13 A. I have not met with anyone from Nuhn
14 Industries this week.

15 Q. How about last week?

16 A. No, not last week, either.

17 Q. Did you review any other documents with --
18 with Mr. Luchsinger, other than the '835 patent
19 and your declaration?

20 A. There was some -- the -- I can't remember
21 all, but we did re- -- review a few of the -- the
22 documents that were referenced in my '835
23 declaration.

24 Q. Do you remember which ones?

25 A. I do not remember -- recall. We looked

1 through a few of them. I don't recall which ones
2 that we specifically looked at.

3 Q. Were they prior art references?

4 MR. LUCHSINGER: Objection to --

5 A. (Continuing) I just recall that we --

6 MR. LUCHSINGER: -- form.

7 A. (Continuing) I -- I don't recall which
8 ones we looked at. We reviewed the references in
9 my '835 declaration and some of them we pulled
10 up. We just, kind of, talked through them, in
11 general.

12 Q. Okay.

13 COURT REPORTER: If I could, the
14 complete objection didn't come through. There
15 was a little --

16 MR. LUCHSINGER: Objection --

17 COURT REPORTER: -- interference.

18 MR. LUCHSINGER: -- as to form.

19 Q. (By Mr. Stemler, continuing) Which of your
20 declarations did you review during your
21 discussions in preparation for today's
22 deposition?

23 A. I have a hard copy in front of me. I
24 don't know -- Exhibit -- give you exhibit number.
25 It's Exhibit 2106.

1 Q. Okay. Was that the only declaration of
2 yours that you reviewed in preparation for
3 today's deposition?

4 A. I may have looked at some of my previous
5 ones and reviewed -- for my own declarations,
6 reviewed a couple of my previous ones. And
7 reviewed Dr. Winkler's, which is referenced in my
8 declaration, as well.

9 Q. Did you mean Dr. Winkel's declaration?

10 A. Sorry. Dr. Winkel, yeah. I apologize,
11 incorrect last name. Dr. Winkel.

12 Q. You mentioned that you had printed out in
13 front of you a copy of Exhibit No. 2106.

14 Is that correct?

15 A. Yes, I have a hard copy of Exhibit 2106 in
16 front of me.

17 Q. Do you have copies of any other documents
18 there in front of you today?

19 A. I have a -- a copy -- a hard copy of the
20 '835 patent in front of me, as well.

21 Q. Do you have any other materials there in
22 front of you today?

23 A. No. That's the only two hard copies I
24 have with me today.

25 Q. Did you take any notes during your

1 preparation for today's deposition?

2 A. Yes. I did take some notes over the last
3 week or so.

4 Q. Do you have those notes with you today?

5 A. I do not.

6 Q. Mr. Prairie, I just introduced
7 Exhibit 2106 into Exhibit Share.

8 A. Okay.

9 (Deposition Exhibit No. 2106 introduced.)

10 Q. (By Mr. Stemler, continuing) I'm going to
11 pull up a copy of that on my screen so that we
12 can discuss it together.

13 Mr. Prairie, do you see this copy of
14 Exhibit 2106 displayed on my screen?

15 A. Yes, I see that exhibit on the screen.

16 Q. Do you recognize this document?

17 A. Yes. This is my declaration for the '835
18 patent.

19 Q. How much time did you spend preparing this
20 declaration?

21 A. I can't recall the number of hours.

22 Q. Did you prepare this declaration?

23 A. Yes. I worked with Brad and his legal
24 team in preparing this declaration.

25 Q. What other members of Brad's legal team

1 did you work with to prepare this declaration?

2 A. His coworker, Scott, was involved. So
3 primarily Brad and Scott worked on this,
4 together, with me.

5 Q. Any -- anybody else?

6 A. That's all I recall at this time -- or
7 meeting with in person, over Zoom.

8 Q. How many times did you meet in person with
9 those members -- or with Brad and Scott over
10 Zoom?

11 A. This case has been going on for a while
12 now, so I -- I don't recall the exact number of
13 times for this particular declaration.

14 Q. Do you recall when you started preparing
15 this declaration?

16 A. Well, the con- -- some of the contents of
17 this declaration began last -- or going on over a
18 year ago already. So some of this is ongoing.
19 Some of it's consistent with some other
20 declarations related to this case.

21 Q. You understand that this declaration
22 responds to some of the points raised
23 in petitioner's opposition to the revised motion
24 to amend, which was filed on December 23, 2024?

25 A. Yes. I don't recall the exact date, but

1 yes, I -- I realize that it's in regards to that
2 topic.

3 Q. Do you know how many times you met with
4 Mr. Luchsinger and Mr. Yackey since December 23,
5 2024?

6 A. I do not recall the number of times that
7 I've had discussions with them.

8 Q. Was it more than two times?

9 MR. LUCHSINGER: Objection as to
10 form.

11 A. (Continuing) I don't recall the number of
12 times. There was email communication. There was
13 Zoom communication. Sometimes there was phone
14 calls.

15 Q. Did you prepare the first draft of this
16 declaration?

17 A. I have been working on this -- the
18 declaration for a while. I worked on the draft
19 and approved the draft. And these are my words.

20 Q. Did Nuhn's legal team write any portion of
21 this declaration?

22 A. As I stated, I did work with Brad and
23 Scott in preparing this declaration. It is a
24 legal document and so they provided legal
25 guidance on appropriate legal language and

1 app- -- words to use for this document.

2 Q. Were you working with anyone other than
3 Nuhn's legal counsel in preparing this
4 declaration?

5 A. No. Brad and Scott are the only ones I've
6 been working with in preparing this.

7 Q. You -- so you don't have any staff or
8 research assistants that you've used in
9 connection with this declaration?

10 A. No. I'm independent and so all the work
11 that I do is my personal work.

12 Q. Okay. In this declaration do you recall
13 having addressed whether any of the substitute
14 claims of the '835 patent comport with the
15 written description requirement of patent law?

16 A. I'm not fully understanding your question,
17 Taylor.

18 Q. Do you know what the written description
19 requirement of patent law is?

20 A. I think so, but I'm not -- I'm not fully
21 understand- -- I'm not -- from a legal
22 standpoint, I'm not fully sure what you're
23 asking.

24 Q. Are you aware of a written description
25 requirement in patent law?

1 A. Are you referring to in terms of the front
2 context of the patent? Is that what you mean by
3 "written description"?

4 Q. No.

5 I'm -- I'm referring to the legal
6 principle that patent claims must be supported by
7 the written description of the patent
8 specification.

9 A. Yeah, I'm not an attorney. In that
10 regards, I -- I do know that the additional
11 claims that are referenced in the '8- -- the '835
12 are supported within the patent and the previous
13 documentation.

14 Q. And on that basis are you concluding that
15 they comply with the written description
16 requirement?

17 MR. LUCHSINGER: Objection as to
18 form.

19 A. (Continuing) I do know that the
20 declaration -- I do support that on page -- I
21 guess, of Exhibit 2106 -- we do -- there is some
22 discussion there in regards to talking about the
23 written description support for the language. So
24 there was a review in regards to the language of
25 the additional claims -- was reviewed in the

1 previous patents.

2 Q. Okay. I think you referenced a page
3 number of your declaration, but I -- I didn't
4 hear that you provided that number.

5 A. Oh, yeah. Page -- which page numbers do
6 you want to use today?

7 There's the bottom exhibit or there's a
8 page number of the document. I just want to be
9 consistent in our discussions today.

10 Q. Yeah. How about we use the page number
11 that's at the bottom right-hand corner, with the
12 IPR footer.

13 A. Okay. So, in that case, I'd go -- it
14 would be page 38.

15 Q. Okay. Is this the page that you're
16 referring to?

17 A. Yes.

18 And that section, which is starting on the
19 previous page, talks about support for the
20 substitute claims, which is regarding your
21 discussion in regards to written description
22 support.

23 Q. Okay. Do you recall which claim terms you
24 addressed in this section of your declaration?

25 A. Referencing Exhibit -- that same exhibit,

1 page 58. There are Claims 41, 57 -- and 79 and
2 80 are the substitute claims.

3 Q. Okay. So you were referring to those
4 as -- as a whole?

5 MR. LUCHSINGER: Objection as to
6 form.

7 A. (Continuing) No. If you go up a little
8 bit, on 53, which is farther up that section --
9 looks like Section IX -- there's a -- there's --
10 from a discussion, regards to substitute
11 Claims 41 through 80.

12 Q. Okay. I'm going to scroll up to the table
13 of contents of your declaration.

14 Here at page 2 of Exhibit 2106. Do you
15 see what I'm showing on my screen?

16 A. Yes.

17 Q. Do you see a Section VI labeled there?

18 A. Yes, I see Section VI.

19 Q. And do you see there that there are two
20 Heading A's under Section VI?

21 MR. LUCHSINGER: Objection as to
22 form.

23 A. (Continuing) Yes, I see that; A and B and
24 A and B.

25 Q. Okay. And can you read the text next to

1 the second Heading A.

2 A. On page 2 of my declaration, under Roman
3 Numeral VI, "Claim Construction."

4 "There is written support for the language
5 in Claims 79 and 80 require the pump housing of
6 the liquid-manure pump to be 'mounted to the
7 underside' of the floatable vehicle body."

8 Q. Okay. And immediately under that, there
9 is a second Heading B. Right?

10 A. Yes. There is a Header B underneath that.

11 Q. Can you read the text next to that second
12 Header B.

13 A. On that same page, Header B says, "There
14 is written description support for the language
15 in Claims 41, 57, 79, and 80 stating that the
16 submerged components/portions of the vehicle
17 function 'to keep floating solid material away
18 from the bottom fluid opening in the pump
19 housing.'"

20 Q. In those two sections -- in those two
21 sections it appears that you addressed two
22 separate claim terms.

23 Is that correct?

24 A. Well, I guess the -- there's different
25 emphasis within those areas.

1 Q. Okay. Do you think that there's
2 written -- just -- do you think that there is
3 written description support for the remainder of
4 the substitute claims of the '835 patent?

5 MR. LUCHSINGER: Objection as to
6 form.

7 A. (Continuing) I'm not understanding your
8 question, Taylor.

9 Q. Do you think all of the substitute claims
10 for the '835 patent have written description
11 support in the '835 patent?

12 MR. LUCHSINGER: Objection as to
13 form, vague, and misleading.

14 MR. STEMLER: Brad, can you please
15 keep the objections to "form."

16 MR. LUCHSINGER: I'm stating my
17 objections distinctly.

18 A. (Continuing) So which per- -- specific
19 claims are you referring to, Taylor?

20 Q. All of them.

21 MR. LUCHSINGER: Same objection.

22 A. (Continuing) There is written support
23 for -- there is written support for all of them.

24 Q. Okay. Mr. Prairie, can you explain to me,
25 in your own words, what your understanding of the

1 written description requirement is.

2 MR. LUCHSINGER: Objection as to
3 form.

4 A. (Continuing) Let me reference...

5 As I stated, I am not an attorney, but
6 Brad and Scott informed me -- if you go to
7 page 38, back to thirty- -- page 38 of my
8 declaration, paragraph 68.

9 Q. Okay.

10 A. It cites U.S. Cons- -- or U.S. law there.

11 Q. Okay.

12 A. And I guess my understanding that -- from
13 a -- a -- my understanding of what that means is
14 that there is -- within the patents themselves,
15 that there is already existing written
16 description for the additional claims, written
17 support there.

18 Q. Okay. And is it your understanding that
19 that's what's required to comport with the
20 written description requirement?

21 MR. LUCHSINGER: Objection as to
22 form.

23 A. (Continuing) It's my understanding that
24 the support for the additional claims is already
25 in the patent and so this is clarifying -- the

1 additional claims are clarifying some things;
2 that the support was already there.

3 Q. Okay. Will you please scroll up to
4 page 24 of your declaration. And please let me
5 know when you're there.

6 A. Okay. I have page 24.

7 Q. Okay. And I'm going to show that page on
8 my screen, as well.

9 There's a paragraph 30 listed there. Is
10 that right?

11 A. Yes. Under -- there's a paragraph 30.

12 Q. And can -- can you state for the record
13 which heading that paragraph is found under.

14 A. Paragraph 30 is under D, "Written
15 Description."

16 Q. Okay. Can you please read paragraph 30.

17 A. Starting with D, "Written Description."

18 Paragraph 30 states, "I understand from
19 counsel that for the patent claim to be valid
20 under the written description set forth in 35
21 U.S.C. 112 (a)" -- excuse me -- "the subject
22 matter recited in the claim must be described in
23 the patent specification in such a way as to
24 reasonably convey to a person of ordinary skill
25 in the art that the inventor had possession of

1 the claimed invention at the time the application
2 was filed."

3 Q. Is that your understanding of what's
4 required by the written description requirement?

5 A. Yes. That's as advised. And this is
6 stated in here -- my understanding of that
7 legal -- that legal document.

8 Q. Okay. Elsewhere in this document you use
9 the acronym "POSITA" to refer to a person of
10 ordinary skill in the art.

11 Will you understand if I use that acronym
12 or the acronym "POSA" to refer to a person having
13 ordinary skill in the art during your discussion
14 today?

15 A. Yes, I -- "POSA" or "POSITA" -- or as you
16 pronounced it, I -- I understand that -- that's a
17 person of ordinary skill in the art.

18 Q. Okay. Do you have an opinion on how
19 specifically something needs to be described in a
20 patent in order for it to provide written
21 description support for a claim?

22 MR. LUCHSINGER: Objection as to
23 form.

24 A. (Continuing) Please state your question
25 again, Taylor.

1 Q. Do you have an --

2 MR. STEMLER: Nancy, could you please
3 read it back.

4 COURT REPORTER: "Do you have an
5 opinion on how specifically something needs to be
6 described in a patent in order for it to provide
7 written description support for a claim?"

8 MR. LUCHSINGER: Same objection.

9 A. (Continuing) I would not say I have a
10 universal statement there to cover all
11 situations. I would say it's situation
12 dependent.

13 Q. If the patent explicitly states the
14 language of a claim term within the
15 specification, would you consider there to be
16 written description support for that term?

17 A. Please state that again.

18 Q. If a patent uses the exact same language
19 in a claim term within the specification, would
20 you understand that that patent specification
21 supplies written description support for the
22 claim term?

23 A. I'm sorry, Taylor. I'm not -- I'm -- I
24 hear what you're saying. I just don't understand
25 the quest- -- I don't understand what you're

1 getting after, what the -- what kind of answer
2 you're looking for.

3 Q. I'm wondering, in your opinion, what level
4 of detail is required to provide written
5 description support for a patent claim.

6 MR. LUCHSINGER: Objection as to
7 form.

8 A. (Continuing) Again, I guess my answer
9 would be that I cannot give a -- a general
10 statement for all scenarios. I would have to
11 state that it's a -- situational dependent.

12 Q. Okay. Does a patent need to use the exact
13 language of a claim in order to provide written
14 description support?

15 MR. LUCHSINGER: Objection as to
16 form.

17 A. (Continuing) No. I would not say it has
18 to have exact language.

19 Q. So is it your opinion that a patent can
20 provide written description support when the
21 language of a claim is missing from the
22 specification?

23 MR. LUCHSINGER: Objection to the
24 form.

25 A. (Continuing) I'm not understanding the

1 question.

2 Q. Is it your opinion --

3 MR. STEMLER: Brad, I think there may
4 be some feedback coming from your computer. I'm
5 wondering if there's anything that you can do
6 to -- I don't know -- cut that out.

7 I -- now it seems to have stopped.

8 MR. LUCHSINGER: I -- I don't know.
9 I -- you know, I'm trying to stay on mute, you
10 know, as much as I can, but when, you know,
11 questions are being asked and I think I have to
12 object to them, I, ob- -- obviously, unmute. So
13 I'll continue to do that.

14 I don't see anything on my end that
15 suggests that there's a technical issue. And
16 I -- I don't have any background noise in here.

17 So --

18 MR. STEMLER: Okay.

19 MR. LUCHSINGER: -- if it continues
20 to be a problem, let me know and -- and maybe we
21 can -- I -- I can try and figure something out on
22 a break.

23 MR. STEMLER: It -- it seems to have
24 stopped now, so I think we're all right. Thanks.

25 Q. (By Mr. Stemler, continuing) Mr. Prairie,

1 if a -- if the exact language of a patent claim
2 term is not found in the specification of the
3 patent, is it your opinion that that patent
4 document might still provide written description
5 support for that term?

6 MR. LUCHSINGER: Objection as to
7 form.

8 A. (Continuing) I guess my audience would
9 be -- is that it's situational dependent.

10 Q. So it could, theoretically, provide
11 written descriptions for -- for that term?

12 MR. LUCHSINGER: Object to form.

13 COURT REPORTER: Pardon me. Your
14 entire objection didn't come through.

15 MR. LUCHSINGER: Objection as to
16 form.

17 COURT REPORTER: Thank you.

18 A. (Continuing) My position is, Taylor, that
19 you're asking -- asking broad statements in
20 regards to your question. And I am unable to
21 give you a firm broad -- an answer to all
22 scenarios.

23 If you have a particular scenario that you
24 want to discuss, we can discuss that, but at this
25 time I do not have a solid answer for a

1 generic -- of all-application-situation type
2 answer.

3 Q. Okay. Is it your opinion that the -- the
4 figures of a patent document might potentially
5 provide written description and support for a
6 claim term?

7 A. Yes. Figures can absolutely be used as a
8 reference in that topic.

9 Q. Okay. And so, perhaps, if the exact
10 language of a claim term is not found in the
11 specification, these figures might be relied on
12 in order to -- to provide written description
13 support for that term?

14 MR. LUCHSINGER: Objection --

15 COURT REPORTER: Pardon me.

16 Q. (By Mr. Stemler, continuing) The
17 context --

18 COURT REPORTER: Pardon me. Pardon
19 me. Brad, we're still having some audio
20 disruption.

21 Could you repeat your objection.

22 MR. LUCHSINGER: Objection as to
23 form.

24 A. (Continuing) I would say that the written
25 text and the images -- the -- the figures in a

1 patent can provide support.

2 Q. Does compliance with the written
3 description requirement depend on the ordinary
4 level of skill in the art for the subject matter
5 of the patent?

6 MR. LUCHSINGER: Objection as to
7 form, calls for a legal conclusion.

8 A. (Continuing) I don't have a firm answer
9 for your -- I don't have an opinion on that
10 position at this time.

11 A POSITA definitely -- you know, I view
12 this as a POSITA, but I don't have a firm answer
13 to your situation -- to your question.

14 Q. Okay. Didn't you just say here, in the
15 second half of paragraph 30, "the subject matter
16 recited in the claim must be described in the
17 patent specification in such a way as to
18 reasonably convey to a person of ordinary skill
19 in the art that the inventor had possession of
20 the claimed invention at the time the application
21 was filed"?

22 A. I guess that does answer your question
23 there, so...

24 Q. Okay. And so it's your opinion that the
25 level of skill in the art does have an impact on

1 whether the written description requirement is
2 satisfied?

3 MR. LUCHSINGER: Objection as to
4 form.

5 A. (Continuing) I'll just restate what I
6 stated in paragraph 30, for full context.

7 So paragraph 30 of my declaration states,
8 "I understand from counsel that for a patent
9 claim to be valid under the written description
10 requirement set forth in 35 U.S.C. 112(a), the
11 subject matter recited in the claim must be
12 described in the patent specification in such a
13 way it is reasonably conveyed to a person of
14 ordinary skill in the art that the inventor had
15 possession of the claimed invention at the time
16 the application was filed."

17 Q. If a person of ordinary skill in the art
18 would have considered that certain subject matter
19 were obvious in view of what was described in the
20 patent, would you understand that to be written
21 description support for that subject matter?

22 MR. LUCHSINGER: Objection as to
23 form.

24 A. (Continuing) Restate the question, Taylor.

25 Q. You stated earlier that the patent

1 specification does not need to literally use the
2 same language of the claim terms in order to
3 provide written description support for that
4 term.

5 Right?

6 MR. LUCHSINGER: Objection as to
7 form.

8 A. (Continuing) I don't remember the exact
9 words I used, but I was -- along the lines that
10 the exact language -- the -- does not have to be
11 used.

12 Q. Okay. And so if the patent document does
13 not use the exact language of a claim term, but a
14 person of ordinary skill in the art would have
15 understood the subject matter of the claim term
16 to be obvious from what was stated in the
17 specification, would you understand that the
18 specification provides written description
19 support for -- for that claim term?

20 MR. LUCHSINGER: Objection as to
21 form.

22 A. (Continuing) I heard what you had said,
23 Taylor, and I'm just processing. I'm not fully
24 understanding what the question is.

25 MR. STEMLER: Okay. Nancy, would you

1 mind reading back the question.

2 THE WITNESS: It's not that I didn't
3 hear it. I don't understand -- I don't
4 understand the question.

5 MR. STEMLER: Okay.

6 COURT REPORTER: Would you like me to
7 read it?

8 MR. STEMLER: Yes, please.

9 COURT REPORTER: "And so if the
10 patent document does not use the exact language
11 of a claim term, but a person of ordinary skill
12 in the art would have understood the subject
13 matter of the claim term to be obvious from what
14 was stated in the specification, would you
15 understand that the speci-" -- "specification
16 provides written description support for that
17 claim term?"

18 MR. LUCHSINGER: Same objection.

19 A. (Continuing) I'm going to just stand -- I
20 don't have -- I'm not in a position to make an
21 opinion on that at this particular time.

22 Q. I'm going to introduce another document.

23 (Deposition Exhibit No. 1001 introduced.)

24 Q. (By Mr. Stemler, continuing) Mr. Prairie,
25 I've introduced Exhibit 1001.

1 Do you see this document?

2 A. Yes. Exhibit 1001 is the '835 patent.

3 Q. Are you familiar with this document?

4 A. Yes, I am.

5 Q. Have you read it before?

6 A. Yes, I have read this document.

7 Q. More than once?

8 A. Yes, I have read this document more than
9 once.

10 Q. How many times have you read it?

11 A. I can't recall the number. I just know
12 it's been more than once.

13 Q. Okay. More than twice?

14 MR. LUCHSINGER: Objection as to
15 form.

16 A. (Continuing) I do not recall the number of
17 times I've read this document. I just know it's
18 more than once.

19 Q. Okay. When was the last time you read
20 this document?

21 A. Last night. And then I reviewed it again
22 this morning.

23 Q. Okay. I'm going to refer to this document
24 as the '835 patent. Does that make sense to you?

25 A. Yes, Taylor, if you refer to the '835

1 patent, I will know that you're refer- --
2 referencing this document.

3 Q. Thank you.

4 Mr. Prairie, I'm showing here on the
5 screen "Patent Owner's Revised and
6 Conditional" -- "Conditional Motion to Amend"
7 that was filed as Paper No. 42 in this
8 proceeding.

9 Do you see this document?

10 A. Yes. What Exhibit number is that?

11 Q. This is Paper No. 42.

12 (Deposition Exhibit No. 42 introduced.)

13 A. (Continuing) Okay.

14 Q. Have you seen this document before?

15 A. I can't tell from the title page and
16 exhibit number.

17 If you want to submit that exhibit, I can
18 look through it versus just --

19 Q. Yeah.

20 A. -- scrolling.

21 Q. It's -- it's on Exhibit Share.

22 A. Is it? Okay.

23 Yes, I believe I've seen this document.

24 What's the date on it? I don't see a
25 date.

1 Q. November 12, 2024.

2 A. Okay. It's in the end there. Okay.

3 Yeah, I'm not intimately familiar with
4 this document, but I have -- I've seen -- I have
5 seen this document.

6 Q. Okay. I'm on page 27 of this document.

7 And I'm referring to the internal
8 pagination that's centered at the bottom of the
9 page.

10 Do you see page 27?

11 A. Yes, I do.

12 Q. Okay. And I'll scroll now from page 27
13 down to page 43 of this document. I'm sorry.
14 Page 41 of this document.

15 Do you understand what's included in this
16 page range of this document?

17 MR. LUCHSINGER: Objection --

18 A. (Continuing) I would have to --

19 COURT REPORTER: Pardon me. There
20 were two voices.

21 MR. LUCHSINGER: Objection as to
22 form.

23 A. (Continuing) I would have to review the
24 document to refresh myself, to answer your
25 question, Taylor.

1 Q. Okay.

2 A. Would you like me to --

3 Q. Would you please review this page range of
4 the document.

5 A. So you would like me to review these
6 pages -- of 29 through 30 -- 41?

7 Q. That's right.

8 A. Okay.

9 Q. I'll state for the record, the time is
10 9:14.

11 A. What was the beginning page, again?

12 Q. Beginning page is page 27.

13 A. Okay. Paragraph 41, the "Claims
14 Appendix"?

15 Q. Yeah. I don't think it's paragraph 41,
16 but Claim 41.

17 A. Oh, is it Claim 41? Okay.

18 Q. Mr. Prairie, I'll represent to you that
19 this is the substitute claim set offered by
20 petitioner and addressed by you in your
21 declaration, but take as much time as you think
22 you need to review these claims.

23 A. And you were ending on page 41. Is that
24 correct?

25 Q. That's correct.

1 A. I did not do a full read, but yes, it
2 appears that this document, in the section that
3 you're describing, is the substitute claims.

4 Q. Okay.

5 A. I didn't do a word-for-word comparison,
6 but it appears that's the topic that's under
7 discussion.

8 Q. Scrolling up to page 39 of this document.

9 I guess, the page before it, starting on
10 page 38, includes a substitute Claim 79.

11 A. Yes, I see that.

12 Q. Okay. Scrolling back down to page 39 of
13 this document.

14 I have highlighted some text with -- with
15 my cursor. Could you please read the text that
16 I've highlighted, Mr. Prairie.

17 A. Yeah. What paragraph is that?

18 I would just like to see what paragraph
19 you're citing on my local...

20 Q. I guess this would be the first,
21 second -- it would be within the third element of
22 Claim 79. Starting in the -- in the paragraph
23 that starts with, "a hydraulically powered liquid
24 manure mover."

25 A. Okay. I just wanted to get a frame of

1 reference of where I'm reading from.

2 Q. Okay.

3 A. You can zoom in on yours now.

4 Q. Sure.

5 A. The text that I see highlighted in purple
6 on the screen starts with, "Where the pump
7 housing is mounted to the underside of the
8 floatable vehicle body."

9 Q. Okay. I'm scrolling now to page 40 and
10 Claim 80 of this document.

11 I've highlighted some text that spans
12 between page 40 and page 41.

13 Additionally, the highlight has
14 highlighted the page number and the header number
15 at the top -- at the bottom of page 40 -- and the
16 top of page 41.

17 Could you please omit that footer and
18 header, but read the claim language that's
19 highlighted in this range.

20 A. The text -- the relevant text that is
21 highlighted in purple on the screen starts with,
22 "The pump housing is mounted to the underside of
23 the floatable vehicle body."

24 Q. Thank you.

25 Mr. Prairie, do you know where in the '835

1 patent the specification states that the pump
2 housing is mounted to the underside of the
3 floatable vehicle body?

4 MR. LUCHSINGER: Objection as to
5 form.

6 A. (Continuing) The figures depict where it's
7 mounted. The description of the figures helps
8 support that.

9 There is also discussion in regards to
10 some additional structure that -- within the
11 patent that describes how it's mounted.

12 Q. Okay. Does the text literally state, "The
13 pump housing is mounted to the underside of the
14 floatable vehicle body"?

15 MR. LUCHSINGER: Objection to form,
16 vague.

17 A. (Continuing) Restate your question,
18 Taylor.

19 Q. Does the text of the specification
20 literally state, "The pump housing is mounted to
21 the underside of the floatable vehicle body"?

22 A. The text and the figures describe and
23 disclose how it's mounted to the underside of the
24 vehicle body.

25 Q. Are the words, "The pump housing is

1 mounted to the underside of the floatable vehicle
2 body" used in that order in the specification of
3 the '835 patent?

4 A. I don't recall all the combinations of
5 words and if those words are used explicitly in
6 that sequence.

7 Q. Okay. I'm going to pull up Exhibit 1001
8 again.

9 This is the '835 patent.

10 Can you please review this document and
11 let me know if the text that we just referred to
12 is used in the specification of this document.

13 A. So please state the exact text that you're
14 wanting me to look for in sequence.

15 Q. "Where the pump housing is mounted to the
16 underside of the floatable vehicle body."

17 MR. LUCHSINGER: Is the witness able
18 to do a word text search of Exhibit 1001?

19 MR. STEMLER: Sure.

20 THE WITNESS: So --

21 MR. LUCHSINGER: Can you explain to
22 the witness how to do that.

23 MR. STEMLER: I -- I -- I'm not sure
24 how to do that. You can explain to him, Brad, if
25 you'd like.

1 MR. LUCHSINGER: This is your
2 deposition.

3 What I'm asking is whether, in the Exhibit
4 Share software that you're using to share
5 exhibits, there's a feature that allows the
6 witness to do a search for text in '835 patent,
7 which is Exhibit 1001.

8 You said yes.

9 MR. STEMLER: I -- I --

10 MR. LUCHSINGER: So that's -- I --
11 I'm asking for you to explain to the witness how
12 to do that.

13 If you can't, then I -- I guess maybe
14 that's not available.

15 MR. STEMLER: Okay. I -- I can check
16 and see.

17 I'd ask that the witness go ahead and
18 review the document in the meantime, to see if
19 that text is used in -- in the document.

20 Q. (By Mr. Stemler, continuing) It appears to
21 me, Mr. Prairie, that there's a magnifying glass
22 at the upper right portion of your web page.

23 A. Okay.

24 Q. I believe you can click that magnifying
25 glass and type in text there to search text. If

1 you'd like to use that feature, you're welcome to
2 do so.

3 A. Okay. So I'm going to search there, the
4 exact words, "Where the pump" -- what?

5 Q. "Where the pump housing is mounted to the
6 underside of the floatable vehicle body."

7 A. The underside of the what? Of...

8 Q. "Of the floatable vehicle body."

9 A. I'm -- doing a search for that exact word
10 sequence does not show up anything.

11 Q. Okay. How about the word "mounted"?

12 A. There are a couple of instances of the
13 word "mounted."

14 Q. Okay. Do any of those instances refer to
15 the pump housing being mounted anywhere?

16 MR. LUCHSINGER: Objection as to
17 form.

18 A. (Continuing) Would you like me to read the
19 full context of each search around that? Is that
20 what you'd like me to do, Taylor?

21 Q. No.

22 I would like you to tell me any of the
23 instances of the word "mounted" used in the
24 specification of the '835 patent refer -- refer
25 to the pump housing being mounted anywhere.

1 MR. LUCHSINGER: Objection as to
2 form.

3 A. (Continuing) The pump housing is mounted
4 to other structure. And so other structure could
5 be mount- -- could be used to mount.

6 So I just wanted to understand what level
7 of analysis or opinion you want me to try to work
8 on here right now.

9 Q. Okay. I'll share my screen.

10 Do you see my screen, which includes
11 Exhibit 1001?

12 A. Yes. I see Exhibit 1001 on your screen.

13 Q. Okay. I've used the search tool to search
14 for the word "mounted" in this document.

15 Do you see that?

16 A. Yes. I see that you've done a search on
17 the word "mounted."

18 Q. Are those the same results that you get
19 when you run a search for the word "mounted" on
20 this document?

21 A. It appears my search is similar to yours.

22 Q. Is it the same?

23 A. It's definitely similar. I haven't done
24 it word for word, but it would appear similar.

25 Q. How about you do a word-for-word and let

1 me know if it's the same.

2 MR. LUCHSINGER: And just so the
3 record is clear, we're only looking at page 12 of
4 Exhibit 1001.

5 A. (Continuing) I definitely see similar
6 results.

7 Q. Do you see the same results?

8 A. They are similar.

9 Q. What's different about my results compared
10 to your results?

11 A. They are -- appear very similar. I mean,
12 my screen size is a little bit different. They
13 are definitely similar.

14 Q. Are there any other differences, besides
15 your screen size, that you can identify between
16 my result page and your result page?

17 A. I can tell you that they are similar
18 results.

19 Q. All right. I'm turning to the first
20 instance of the word "mounted" that appears
21 through this search function. I've highlighted
22 some text on Column 5.

23 Can you please read the highlighted text
24 on Column 5.

25 MR. LUCHSINGER: Objection as to

1 form. The highlighting is not limited to
2 Column 5.

3 Q. (By Mr. Stemler, continuing) Can you
4 please read the highlighting that is limited to
5 Column 5.

6 MR. LUCHSINGER: Objection as to
7 form. There's multiple highlights.

8 A. (Continuing) Maybe if you want to state it
9 differently, Taylor; if there's certain lines
10 you'd like me to read --

11 Q. Okay.

12 A. -- in Column 5.

13 Q. Okay. Could you please read Column 5,
14 lines 32 to 33.

15 A. Referencing the '835 patent, Column 5 on
16 page 12, starting on Row 32.

17 It states, "Each wheel is rotably [sic]
18 mounted to lever structure 5 that is pivotally
19 attached to the vehicle body."

20 Q. Okay. Does that sentence refer to the
21 pump housing?

22 A. That one is specifically referring to the
23 wheels.

24 Q. Okay. I'm going to scroll down.
25 Could you please read the sentence in

1 Column 5, line 36 to 38.

2 A. Again, referencing this same document,
3 Exhibit 1001, '835 patent, on page 12, Column 5,
4 starting on -- what row number did you want? 36?

5 Q. 36 to 38.

6 A. Starting with "A power source"? Is that
7 where you want to me start?

8 Q. You got it.

9 A. Okay. And ending where?

10 Q. "Vehicle body."

11 A. "A power source 7 comprising an internal
12 combustion engine, for example diesel engine, is
13 mounted to the vehicle body."

14 Q. Does this sentence refer to the fluid pump
15 or the pump housing?

16 A. That sentence is talking about a -- a
17 diesel engine --

18 Q. Okay.

19 A. -- or a combustion engine.

20 Q. I'm going to scroll to the next instance
21 of the word "mounted."

22 And that appears at Column 6, lines 21
23 through 24. Can you please read the sentence
24 that spans that range, Mr. Prairie.

25 A. So starting where your cursor is, at

1 "Fixedly," going through where?

2 Q. The end of that sentence.

3 A. Okay. So, again, referencing the same
4 document as before, same page, the Column 6,
5 starting at Row 21, with the sentence, "Fixedly
6 mounted to lever 5 is a bracket 24 supporting a
7 pair of hydraulic motors 25."

8 Q. Does that sentence refer to the pump
9 housing?

10 A. I'd need to read all that -- a little bit
11 further context, just to make sure.

12 Q. Okay. Please do.

13 A. It appears that description is talking
14 about the lever arms that support the wheels.

15 Q. Okay. And now I'm going to scroll down to
16 the last instance of the word "mounted" that this
17 search generates. And that's at Column 6,
18 lines 55 to 59.

19 Could you please read that sentence,
20 Mr. Prairie.

21 A. Again, same exhibit as before, page 12,
22 column -- or Column 6, starting on Row, looks
23 like, 58.

24 Q. Nope. Go to 55.

25 A. 57 -- 55, okay. Start -- referring to 55.

1 It starts, "Referring to Figure 6, the
2 second fluid nozzles 13 are connected to the
3 fluid conduits 21, 22 by articulation means 14
4 that comprises a hydraulic second articulation
5 cylinder 31 mounted to the vehicle body 1 and
6 connected to rotatable conduit section 32."

7 Q. Okay. Does that refer to the pump
8 housing?

9 A. That refers to the cylinder connected to
10 some fluid nozzles on the vehicle.

11 Q. Okay. Mr. Prairie, did any of the text
12 that we just reviewed state that the pump housing
13 is mounted to the underside of the vehicle body?

14 MR. LUCHSINGER: Objection as to
15 form.

16 A. (Continuing) None of the sentences that I
17 just read that you've showed me, that were
18 highlighted, referred specifically to the pump
19 housing itself.

20 Q. Okay. Mr. Prairie, I'm scrolling up to
21 the figures of the '835 patent. I understand
22 that you also have a copy of this document in
23 front of you.

24 Is that right?

25 A. Yeah.

1 We're still on Exhibit 1001?

2 Yes.

3 Q. Yep.

4 Could you please identify for me, in the
5 figures of this patent, which regions of the
6 vehicle would be considered the underside of the
7 vehicle.

8 A. One of the better references for that is
9 a -- go to Column 5 on page 12.

10 Q. Okay.

11 A. The figure descriptions, upper left-hand
12 corner.

13 Q. Sure.

14 A. Figure -- it states in Column 5, the --
15 top of the left corner of Column 5 is discussing
16 figures within the '835 patent.

17 It states, "Figure 5 [sic] shows a
18 perspective view of the underside of the
19 vehicle."

20 And it says, "Figure 4 shows a perspective
21 view of a set of wheels of the vehicle from the
22 underside of the vehicle."

23 Figure 8 says -- "shows a perspective view
24 of the fluid pump from the underside of the
25 vehicle."

1 Q. Okay. I believe --

2 MR. LUCHSINGER: Doug, I think you
3 misspoke. You started with Figure 5. I think
4 you meant Figure 3, so maybe we could --

5 A. (Continuing) Oh, yes, I did. Yeah, I
6 did -- starts with Figure 3. I was -- Column 5.
7 So in -- will restate that.

8 So Column 5, starting with -- it's
9 descriptions of the figures.

10 "Figure 3 shows a perspective view of the
11 underside of the vehicle;

12 "Figure 4 shows a perspective view of a
13 set of wheels of the vehicle from the underside
14 of the vehicle."

15 And then "Figure 8 shows a perspective
16 view of the fluid pump from the underside of the
17 vehicle."

18 Q. Okay. So I'm scrolling now to Figure 3.
19 Could you identify for me where in Figure 3 the
20 underside of the vehicle is.

21 A. The underside is not a set surface -- not
22 a set plane or set feature. It's a -- a --
23 undercarriage of the underside of the vehicle
24 itself.

25 So it comprises the frame, floats. It's a

1 general structure itself. It's not a particular
2 feature or a particular surface.

3 Q. Okay. Would you consider the left or
4 right sides of the blank elements of the vehicle
5 to be the underside of the vehicle?

6 MR. LUCHSINGER: Objection to form,
7 vague.

8 A. (Continuing) I would consider there are
9 portions of the float surfaces that are
10 definitely part of the underside of the vehicle.

11 Q. Which portions?

12 A. There are multiple portions of the vehicle
13 that's on the other side.

14 Q. You --

15 A. So it's the underside.

16 So there are multiple -- there are
17 multiple features and surfaces on the floats, the
18 frame, and the vehicle itself that represent the
19 underside.

20 It's not a -- a planar element. It's a
21 contoured service. It has -- it's not a hard
22 plane, not a hard line, not a hard surface. It's
23 a multitude of surfaces.

24 Q. Could you identify for me which portions
25 of the floatable elements you consider to be the

1 underside of the vehicle.

2 MR. LUCHSINGER: Objection to form,
3 asked and answered.

4 A. (Continuing) I have not developed a
5 firm -- in terms of physical, you know,
6 highlights or anything of -- of that opinion at
7 this time that I am aware of.

8 But, in general, the -- using the general
9 underside, undercarriage term, using the figures
10 as shown, the description of the figures,
11 descriptions say looking at the underside of the
12 vehicle.

13 So the underside is not a particular
14 surface, particular feature, particular
15 component. It's the general surface -- a -- a --
16 general -- almost three-dimensional contour
17 surfaces that are under the underside.

18 Q. Okay. I'm showing up to Figure 2 of the
19 '835 patent.

20 Do you see Figure 2 shown here?

21 A. Yes, I see Figure 2 is shown.

22 Q. Okay. Do you see the power source labeled
23 with Reference No. 7?

24 A. Yes, I see power. I see the engine, or
25 power source, in that figure.

1 Q. Okay. And that's labeled with Reference
2 No. 7?

3 A. Let me confirm that yes, the patent
4 identifies Item 7 as the power source com- --
5 basically is an internal combustion engine.

6 Q. Okay. Would you consider that power
7 source to be the underside of the vehicle?

8 A. This view is not a view of the underside
9 of the vehicle, so I would not view the -- the
10 engine as part of the underside of the vehicle,
11 the undercarriage.

12 Q. So nothing that's shown here would be the
13 underside of the vehicle?

14 MR. LUCHSINGER: Objection as to
15 form.

16 A. (Continuing) No, I didn't say that,
17 Taylor.

18 You asked specifically about the engine
19 itself. The engine is not on the underside of
20 the vehicle.

21 Q. Okay. How about the hydraulic pump
22 identified with Reference No. 10; would that be
23 on the underside of the vehicle?

24 A. Item No. 10, in Figure 2, is the hydraulic
25 pump. As it's shown in this figure, I would not

1 consider that as a part of the underside of the
2 vehicle -- under- -- undercarriage, underside of
3 the vehicle.

4 Q. Okay. How about the Conduit 20; would you
5 consider that to be the underside of the vehicle?

6 MR. LUCHSINGER: Objection as to
7 form.

8 A. (Continuing) As I understand, Item 20, the
9 conduit, goes to the other side and it's a -- it
10 inter- -- interacts with the pump itself.

11 Q. Okay. Would you say that the Conduit 20
12 that's shown here in this figure would be the
13 underside of the vehicle?

14 MR. LUCHSINGER: Objection as to
15 form.

16 A. (Continuing) I would say it's a
17 possibility, based on the -- how the patents
18 describe, pictures, references of -- of
19 components of it could be part of the underside.

20 Q. Okay. There's some shielding -- you
21 referred to it as "shielding" during your prior
22 deposition -- immediately underneath what's
23 labeled as Reference No. 20.

24 Would you consider that shielding to be
25 the underside of the vehicle?

1 MR. LUCHSINGER: Objection as to
2 form, vague.

3 A. (Continuing) I don't recall -- if you
4 could point out -- to the shielding you're
5 referring to. I don't recall the exact
6 conversation from a previous deposition.

7 Q. Okay. Do you see where Reference No. 20
8 is pointing to?

9 A. Yes, I see Item 20. I see Item 20 there.

10 Q. Okay. And my figure is rotated so that
11 this page is in portrait view. So if you were
12 to, like, look directly to the right of where
13 Reference No. 20 is identifying, do you see some
14 shielding shown there in the figure?

15 MR. LUCHSINGER: Object.

16 A. (Continuing) If you want to zoom in and
17 highlight particularly the surface that you're
18 talking about, we can have a -- we can have a
19 detailed conversation.

20 Q. Sure. I'm zooming in now.

21 A. Okay.

22 Q. Do you see the shielding now?

23 A. Would you like to highlight -- it's not
24 identified, so would you like to highlight the
25 particular feature that you're referring to.

1 Q. I'm highlighting the box.

2 A. Okay.

3 Q. Do you see what I'm referring to?

4 A. I see a surface --

5 MR. LUCHSINGER: Objection --

6 COURT REPORTER: Pardon me. If
7 there's two voices, I can't take -- please repeat
8 your objection.

9 MR. LUCHSINGER: Objection as to
10 form.

11 A. (Continuing) I see a box -- a surface --
12 excuse me. I see a surface that your box is on.

13 Q. Okay. Do you understand if I'm referring
14 to that surface as "shielding"?

15 MR. LUCHSINGER: Objection as to
16 form.

17 A. (Continuing) I -- I see a surface. Like I
18 said, the -- I don't -- I don't recall the
19 "shielding" term specifically called out in the
20 patent itself.

21 Q. The "shielding" term is not called out in
22 the patent. I'm using language that you used in
23 your prior deposition.

24 Would you like me to pull up that
25 transcript so that you can refresh your

1 recollection as to what I'm referring to?

2 A. I -- I guess that's your decision, if you
3 want to use that.

4 Q. Okay. So you don't know -- you don't
5 understand what I'm talking about when I'm
6 referring to "shielding"?

7 A. Not in the exact context. Like I said, I
8 don't recall the conversation, the situation.
9 I -- I know there was -- similar topic, but I
10 don't recall the -- the exact situation from a
11 previous deposition.

12 Q. Okay. Do you see any structure located
13 directly under the Conduit 20?

14 MR. LUCHSINGER: I object --

15 A. (Continuing) By "under," what do you mean,
16 "under"?

17 Q. Immediately to the right side of what's
18 identified with Reference No. 20, as shown in my,
19 you know, vertically oriented figure.

20 MR. LUCHSINGER: Objection as to
21 form.

22 A. (Continuing) I see a tube going through a
23 surface. I don't know that -- that surface could
24 be what it's mounted to. I'm not -- I'm not --
25 I'm not a hundred percent sure on that, based on

1 the image that we have in front of us.

2 Q. Okay. That surface that you just referred
3 to; is that surface the underside of the vehicle?

4 A. So, specifically, the surface that you
5 pointed out before. Right?

6 Is that what you're talking about?

7 Q. Yes.

8 A. No, I would not say that that particular
9 surface is the underside of the vehicle.

10 Q. Okay.

11 MR. STEMLER: Let's take a short,
12 five-minute break, if that's all right.

13 THE WITNESS: So we're at 50- -- so
14 50 --

15 VIDEOGRAPHER: We --

16 THE WITNESS: -- 55?

17 VIDEOGRAPHER: We are going off the
18 record. Time now is 9:48.

19 (Recess from 9:48 a.m. to 9:56 a.m.)

20 VIDEOGRAPHER: One moment.

21 We are back on the record. This is the
22 start to Media No. 2. The time is 9:56.

23 Q. (By Mr. Stemler, continuing) Good morning,
24 Mr. Prairie.

25 A. Good morning, Taylor.

1 Q. I'm going to pull up your declaration,
2 Exhibit 2106, again. And I've scrolled to
3 paragraph 69 and 70 of your declaration.

4 Do you see those paragraphs shown on my
5 screen?

6 A. I -- yes, I see the highlighted text on
7 your screen.

8 Q. Okay. Could you please read the second
9 paragraph -- the second sentence of paragraph 69,
10 please.

11 A. Can you just zoom in a little bit, please.

12 Q. Yep.

13 A. Paragraph 69 of my declaration for the
14 '835 patent, starting in the second sentence, as
15 highlighted on screen, states, "As shown in the
16 drawings (including at" -- "at least Figure 8)
17 and explained in the specification, the liquid
18 manure pump may be mounted to the underside of
19 the floatable vehicle body by a 'linear
20 actuator,' and/or 'a lever structure of the
21 vehicle.' Exhibit 1001 3: 5 through 11 and
22 Figure 8."

23 Q. Okay. Is that what's shown in this
24 figure, Figure 8 of the '835 patent?

25 A. Within Column 3 that I just cited there --

1 describes a -- an alternate -- or a -- a -- it
2 describes how the cylinder can be mounted.

3 So it describes -- the patent itself
4 explains a couple different configurations on how
5 a cylinder could be utilized to raise and lower
6 the pump and pump housing.

7 Q. Okay. Could you read that page range for
8 me that you just referred to.

9 A. Yes. You can actually go to the next page
10 of my declaration.

11 Q. Okay.

12 A. So that section that I cite, as shown on
13 the screen, is on Column 3 of the '835 patent.

14 And it specifically -- it states, starting
15 on Row 5 of Column 3, "The vehicle may comprise
16 structure configured to cause raising and
17 lowering of the fluid pump, especially the fluid
18 pump housing, relative to the vehicle body. For
19 example, hydraulically or electrically driven
20 linear actuator may be provided on the vehicle
21 and configured to raise and lower the fluid pump.
22 This may be accomplished via telescoping
23 structure or a lever structure of the vehicle."

24 Q. Okay. Does that portion of the '835
25 patent state that the telescoping structure or

1 the lever structure is mounted to the underside
2 of the vehicle body?

3 MR. LUCHSINGER: Objection as to
4 form.

5 A. (Continuing) Reference -- referencing
6 further context of the '835 patent, you could do
7 an example of; for example, the lever arm, like
8 shown on the wheels could be utilized. You can
9 look at the teachings of a -- itself.

10 So it doesn't specifically say where that
11 cylinder is mounted. The cylinder base could
12 easily be mounted using a lever structure to the
13 underside of the vehicle, and, hence, a POSITA
14 would understand that, based on this description,
15 even the other teachings of the patent itself,
16 that a lever arm could be mounted.

17 The patent does not exclude or
18 specifically state where that base has to be. A
19 POSITA would understand that that could be
20 mounted that way and then that configuration
21 could be a -- could easily be part of the
22 underside of the vehicle, or undercarriage.

23 Q. Do you think a POSITA would have
24 considered that type of structure obvious, then?

25 MR. LUCHSINGER: Objection as to

1 form, vague.

2 A. (Continuing) The patent teaches that.
3 That teaches that alternate -- that alternate
4 configuration that's highlighted on the screen.

5 Q. Is the pump housing only mounted to the
6 underside of the vehicle in the alternate
7 configuration?

8 MR. LUCHSINGER: Objection as to
9 form, vague.

10 A. (Continuing) Yeah, please restate. And
11 you might need to provide some further definition
12 to your question, Taylor.

13 Q. You mentioned an alternate configuration.
14 What were you referring to?

15 A. Well, it's the -- the -- the
16 configuration. So we can read again.

17 It states that "The vehicle may comprise
18 structure configured to cause raising and
19 lowering of the fluid pump, especially the fluid
20 pump housing, relative to the vehicle body."

21 It could be a -- a -- it just describes
22 it, using it there.

23 So there's a couple different ways that
24 that could be con- -- constructed.

25 Q. Okay. Is it your opinion that the pump is

1 mounted to the underside of the vehicle body in
2 all of those configurations?

3 MR. LUCHSINGER: Objection as to
4 form, vague.

5 A. (Continuing) The pump -- I provide an
6 opinion that the -- in my declar- -- my
7 declaration that the pump is mounted to the
8 underside of the floatable -- floatable vehicle
9 body using the hydraulic cylinder, using -- just
10 make sure I -- a lever structure of the vehicle.

11 Q. Okay. Is it -- is the pump housing
12 mounted to the underside of the vehicle when
13 using nonlever structure configurations?

14 MR. LUCHSINGER: Objection as to
15 form, vague.

16 A. (Continuing) I don't believe I provided an
17 opinion on that configuration.

18 Q. Do you have an opinion on that
19 configuration?

20 MR. LUCHSINGER: Same objection.

21 A. (Continuing) I have not provided an
22 opinion and I am not prepared to provide one at
23 this time.

24 Q. Okay. Does Figure 8 show a lever
25 structure configuration?

1 A. Figure 8 shows the pump, pump housing, and
2 the hydraulic cylinder with some structure --
3 with some structure attached to it.

4 Q. Is there a lever structure shown in
5 Figure 8?

6 A. I do -- Figure 8 -- I do not see the lever
7 structure that is described -- that I just
8 described before, in Figure 8.

9 Q. Okay.

10 A. Does not mean that the patent claims
11 can't -- or the patent itself can't describe
12 alternate embodiments.

13 Just a second here.

14 My son came in and didn't close the door,
15 so it flew wide open.

16 Q. Oh, no problem. We -- are we all good to
17 continue?

18 A. Yeah. Sorry about that. Yes.

19 Q. Okay. No worries.

20 You mentioned a lever structure just a
21 minute ago. Mr. Prairie, could you describe how
22 you understand that lever structure would be
23 arranged on the vehicle.

24 A. We can utilize -- the opinion I have
25 provided on that is in that same paragraph. So

1 go --

2 Q. Okay.

3 A. -- below the paragraph there.

4 So the bottom part of paragraph 71 of my
5 declaration states that "It is my opinion that a
6 POSITA would have understood that this lever
7 structure would be mounted to the underside of
8 the floatable vehicle body to the front, rear, or
9 side of the pump housing, to act as a swing arm
10 that would allow the pump to move up and down in
11 a similar manner to lever structure that raises
12 and lowers the wheels."

13 Q. Okay. Mr. Prairie, I'm pulling up a --
14 Exhibit 1001 again, specifically Figure 1.

15 A. Okay.

16 Q. Do you see this?

17 A. Yes, I see Figure 1.

18 Q. Can you identify for me where the lever
19 structure that raises and lowers the wheels is
20 located.

21 A. There are multiple lever structures.
22 There are four wheels. There are multiple lever
23 structures in this figure.

24 Q. Can you identify for me where they are.

25 A. The cylinders that raise and lower the

1 wheels are Item 6.

2 The lever structure is Item 5.

3 Q. Okay. I'm going to scroll in on the rear
4 right wheel of the vehicle.

5 Can you describe for me where that lever
6 structure 5 on the rear right wheel is mounted.

7 MR. LUCHSINGER: Objection as to
8 form.

9 A. (Continuing) What structure specifically
10 do you want described, in words, Taylor?

11 Q. Where is the lever structure 5 mounted on
12 the vehicle?

13 MR. LUCHSINGER: Same objection.

14 A. (Continuing) I don't recall if the patent
15 specifically states where it's mounted.

16 Q. Does this figure show where it's mounted?

17 A. It shows a configur- -- a -- it shows a
18 configuration of where it could be mounted.

19 Q. And where -- in this configuration, where
20 is it mounted?

21 A. In this particular con- -- configuration
22 it's mounted to the structure of the vehicle.

23 Q. What part of the structure of the vehicle?

24 MR. LUCHSINGER: Objection as to
25 form, vague.

1 A. (Continuing) Most likely, that appears to
2 be a welded steel structure.

3 Q. Okay. Is that welded steel structure the
4 underside of the vehicle?

5 MR. LUCHSINGER: Objection as to
6 form, vague.

7 A. (Continuing) Portions of the welded steel
8 structure are part of the underside,
9 undercarriage of the vehicle.

10 Q. Is that vertical beam that the lever
11 structure 5 is connected to the underside of the
12 vehicle?

13 A. Could you please highlight the -- specific
14 structural elements you're pointing to.

15 Q. Do you see any structure element that the
16 lever structure 5 is connected to?

17 A. I'm asking you specifically to identify
18 the component you're asking -- you're referring
19 to.

20 Q. I'm -- I'm only referring to what you've
21 already identified, Mr. Prairie.

22 MR. LUCHSINGER: Objection as to
23 form.

24 A. (Continuing) I said that the wheel
25 structure arm supported to the steel tubular

1 structure, or the -- the frame -- the weld frame.
2 And I didn't identify particular point --
3 element.

4 Q. Can you identify a particular element that
5 that is -- that the lever structure 5 is
6 connected to?

7 A. I see multiple elements. So I'm referring
8 to, as a steel structure, the welded steel --
9 tubular steel structure.

10 Q. Okay.

11 A. Consisting of multiple elements.

12 Q. Do you see the box that I am creating with
13 my cursor on the screen?

14 A. Yes, I see the -- the box on the screen.

15 Q. Okay. Do you see the -- welded steel
16 structure that --

17 COURT REPORTER: Pardon me. Pardon
18 me. Pardon me. The audio is being distorted.

19 MR. STEMLER: Yes.

20 COURT REPORTER: Please -- please
21 start your question again.

22 MR. STEMLER: Okay. Brad, can you go
23 on mute.

24 Q. (By Mr. Stemler, continuing) Do you see
25 the beam that is being covered by the box with my

1 cursor?

2 A. I see a beam.

3 MR. LUCHSINGER: Objection to form.

4 A. (Continuing) I see an element that you are
5 highlight- -- that you've got selected.

6 Q. Okay. Is that element the underside of
7 the vehicle body?

8 MR. LUCHSINGER: Objection as to
9 form.

10 A. (Continuing) I can't say for sure from
11 this view. A portion of it could be. I don't
12 know for sure.

13 Q. Is the portion that the lever structure 5
14 connected -- is the portion of that structure
15 that the lever structure 5 is connected to the
16 underside of the vehicle body?

17 MR. LUCHSINGER: Objection as to
18 form.

19 A. (Continuing) Again, I've not provided a
20 full definition, an opinion on what -- what all
21 surfaces -- what all elements are or not.

22 So you're asking me to make an opinion on
23 the spot, that I have not formed an official
24 opinion on.

25 Q. Do you have an opinion on what the

1 underside of the vehicle body is?

2 MR. LUCHSINGER: Objection as to
3 form, asked and answered.

4 A. (Continuing) As I stated, we can go back
5 to my testimony from earlier as to the views and
6 the general description, but you're asking for,
7 now, specific elements that are in or out.

8 And as I'm stating that, there's a
9 possibility that a portion of that tube could be
10 part of the underside.

11 Q. Is that what's shown here in Figure 5 --
12 or in Figure 2? Or Figure 1? I'm sorry.

13 MR. LUCHSINGER: Objection as to
14 form.

15 A. (Continuing) There is no firm description.
16 It's just a general representation. There is no
17 firm description as to where that's mounted
18 relative to the undercarriage.

19 Q. Okay. Mr. Prairie, can you describe how
20 the lever arm structure that you're referring to
21 in paragraph 69 of your declaration would
22 function to move the pump up and down?

23 A. Well, I don't think I have to provide my
24 own description. I think the patent does a
25 sufficient job to explain that.

1 It's not -- the patent doesn't have to
2 fully define every production print, per se, but
3 the patent does describe the type of elements
4 that could be utilized.

5 Q. Do you have any opinion on what a person
6 of ord- -- on what a person -- strike that.

7 Do you have any opinion on what a POSITA
8 would have understood the functionality of that
9 lever -- lever arm structure to be?

10 A. I mean, yeah, a lever arm that's kind -- I
11 said it's reference to -- I said before, it's --
12 you could -- a lever arm, even, that's shown as
13 an example of the lever arm that is shown to
14 raise and lower the wheels. It's an arm. It's
15 got a pivot-type -- potential pivot-type
16 structure.

17 It's a lever. Right?

18 So -- and a cylinder could be utilized to
19 attach to that lever arm, to raise and lower
20 another structure.

21 Q. Would that lever --

22 A. And --

23 Q. -- arm have caused pivoting of the fluid
24 pump?

25 A. Explain what you mean by "pivoting."

1 Q. You just stated -- you just used the word
2 "pivoting." I'm asking if it would have caused
3 the fluid pump to pivot.

4 A. Well, I said that --

5 MR. LUCHSINGER: Objection; form.

6 A. (Continuing) -- the -- the arm itself
7 would pivot. It's a pivoting lever arm; so that
8 the arm itself would pivot.

9 Q. And the fluid pump would be attached to
10 the arm?

11 A. Potentially could be by another joint.
12 Wouldn't have to be a rigid joint.

13 Q. Does the '835 patent describe what type of
14 joint is used?

15 A. No --

16 MR. LUCHSINGER: Objection --

17 A. (Continuing) -- that's not what you asked.
18 You --

19 MR. LUCHSINGER: -- vague.

20 THE WITNESS: I'm sorry. Go ahead,
21 Brad.

22 MR. LUCHSINGER: Yeah. Objection as
23 to form, vague.

24 A. (Continuing) You were asking my opinion as
25 the point of a POSITA. And in terms of the

1 patent itself, I don't believe the patent itself
2 goes into that level of detail.

3 MR. STEMLER: Brad, I think at this
4 point you've made several objections that the
5 trial practice and appeals guide considers to be
6 improper objections.

7 I've pulled it up.

8 It says examples -- examples of objections
9 that would not be proper are "objection; vague."

10 I'd like you to keep your objections to
11 proper objections.

12 Do you understand?

13 MR. LUCHSINGER: No, I -- I don't, so
14 I disagree with -- with your position.

15 I -- I don't think I'm making coaching
16 objections. I think I'm stating my objections
17 succinctly.

18 Yeah, I think, as you're probably aware,
19 there's a split among case law on, you know,
20 the -- how to sufficiently make objections of
21 record, clearly.

22 And there's, you know, quite a -- a large
23 body of case law that establishes that I'm
24 allowed to shortly make an objection that
25 specifically identifies so that we can figure out

1 later the problem with the question.

2 And that's all I'm doing.

3 I -- my objections here are limited to,
4 probably, three words or four words or less.

5 So I -- I --

6 MR. STEMLER: Sure.

7 MR. LUCHSINGER: -- I disagree that I
8 am coaching.

9 And I'm happy to provide you with that
10 case law, if -- if you want it.

11 MR. STEMLER: Please do. What
12 jurisdiction is it from?

13 MR. LUCHSINGER: Give me a second.
14 I'll pull it up.

15 But I think you're wasting your own time
16 here.

17 MR. STEMLER: All right. Well, I'm
18 going to keep moving forward with the witness.

19 Look forward to review-- -- viewing your
20 case, Brad.

21 Q. (By Mr. Stemler, continuing) Mr. Prairie,
22 are you aware of any other vehicle-mounted pumps
23 that pivoted on a lever structure prior to 2013?

24 A. I'm not quite understanding your question,
25 Taylor.

1 Q. Are you aware of any pumps that were
2 mounted to vehicles which pivoted on a lever
3 structure prior to 2013?

4 MR. LUCHSINGER: Objection as to
5 form, vague.

6 A. (Continuing) When you ask about a specific
7 date -- I mean, there's other pumps that pivoted
8 on a structure, but I don't know their -- all
9 those exact dates at this time, so I am not --

10 Q. Okay.

11 A. -- I am not in a position to make a -- a
12 firm legal position on that answer.

13 Q. Are you aware of any pumps mounted to
14 vehicles that you cited in your declaration that
15 were attached to a lever structure?

16 MR. LUCHSINGER: Objection as to
17 form, vague.

18 MR. STEMLER: Brad, until you find
19 this case law, please keep your objections to
20 ones that are listed --

21 MR. LUCHSINGER: Why -- why don't we
22 go on a break, then, and I will pull it up right
23 now.

24 MR. STEMLER: All right. Sounds
25 good.

1 THE VIDEOGRAPHER: We are going off
2 the record. Time now is 10:21.

3 (Recess from 10:21 a.m. to 10:25 a.m.)

4 VIDEOGRAPHER: One moment.

5 MR. LUCHSINGER: Okay. So --

6 VIDEOGRAPHER: Wait, wait, wait.

7 We are back on the record. This is the
8 start to Media No. 3. The time is 10:25.

9 MR. LUCHSINGER: So, Mr. Stemler,
10 thank you for giving me the opportunity to -- to
11 pull up the case law that I was referring to.

12 And I'll be happy to forward it to you by
13 email after the deposition, if you'd like.

14 But I probably have about 25 cases here.
15 I don't need to read them all in, but, you know,
16 to give a summary of -- of what some of the cases
17 say, it says, "It is difficult, if not
18 impossible, for courts to judge the validity of
19 unspecified form objections unless an objector
20 states with some specific" -- "specificity the
21 nature of his objection, rather than mimicking
22 the general language of the rule, i.e.,
23 'objection to the form of the question,' it is
24 impossible to determine, based upon the
25 transcript of the deposition itself, whether the

1 objection was proper when made or merely
2 frivolous."

3 This is in the Mayor versus City Council
4 of Baltimore -- or sorry -- Mayor & City Council
5 of Baltimore versus Theiss case at 729 A.2d, 965.

6 A Maryland case from 1999 that's cited in
7 Rakes vers- -- Life Insurance Company of America.
8 That's a 2008 U.S. District Court case from the
9 Northern District of Iowa. That's 2008 U.S.
10 District, LEXIS 10996.

11 And then in the email that I'll send you,
12 I've -- you know, have various case cites from
13 Eastern District of Louisiana.

14 MR. STEMLER: Are any of those cites
15 from -- decisions, Brad?

16 MR. LUCHSINGER: These are all
17 U.S. District Court cases.

18 MR. STEMLER: Okay.

19 MR. LUCHSINGER: District of
20 Minnesota, Southern District of New York, Eastern
21 District of Texas. All discussing the -- like,
22 whether objections are proper under Federal Rule
23 of Civil Procedure 30(c)(2), which, of course, is
24 a -- a rule of -- of procedure that's governed by
25 PTAB proceedings.

1 I will continue to make my objections in a
2 understandable manner and succinctly, i.e. -- I
3 mean, these objections are just a couple words
4 long. I do not interrupt the flow of the
5 deposition.

6 And I also disagree that they are coaching
7 the witness.

8 MR. STEMLER: Okay. I'd like to
9 point out that all of the vagueness objections
10 that you've made have resulted in the witness
11 stating that he doesn't understand the question.

12 MR. LUCHSINGER: I think the witness
13 is --

14 MR. STEMLER: I get that you don't
15 think that you're coaching the witness, but I
16 think that there has been a strong correlation
17 between the improper objection you've been making
18 and the witness --

19 MR. LUCHSINGER: I disagree.

20 MR. STEMLER: -- the questions.

21 MR. LUCHSINGER: I disagree with
22 that.

23 In fact, I think the witness has said he
24 doesn't understand questions that you've asked
25 that I haven't objected to, as well.

1 So I think your suggestion that there is
2 some correlation there is totally off.

3 MR. STEMLER: Okay.

4 MR. LUCHSINGER: But I -- you know,
5 seems like we've got a genuine dispute here. But
6 I think it makes sense, for everyone's time, if
7 we move on. You know, we both have a -- you
8 know, case law support or -- or rule support
9 for -- for what we're saying, so --

10 MR. STEMLER: Well, Brad, I think
11 part of the issue here is that the -- the cases
12 you cited, the Court is trying to determine
13 whether or not these objections are frivolous or
14 not.

15 How about we just say we agree between the
16 two of us that if you make a form objection, that
17 preserves your vagueness objection?

18 Does that make sense?

19 MR. LUCHSINGER: Taylor, what I'm
20 trying to do here is make it so that when we get
21 this deposition transcript or if we're looking at
22 the deposition transcript a month later or, you
23 know, in the district court litigation --
24 right? -- which is paralleling these IPRs -- and
25 these depositions may be used in the district

1 court litigation -- that we understand why the
2 objection was made.

3 And I'm also doing it for your own
4 benefit, because if you hear me say "objection;
5 vague," that might cause you to rephrase your
6 question and then I might not object the next
7 time around. And I've done that several times
8 here.

9 So, I mean, this is a two-way street. It
10 helps you cure your own question.

11 So it's really in -- in everyone's best
12 interest.

13 But, again, I don't want to take up too
14 much time arguing about this. I -- I suggest we
15 just move on.

16 MR. STEMLER: Okay. And I'd just
17 like to state for the record that you're stating
18 that you're going to continue making objections
19 that are listed in the trial practice and appeals
20 guide as being improper.

21 MR. LUCHSINGER: I -- I don't agree
22 with that characterization. I'm not making those
23 same objections.

24 I'm making succinct objections to the
25 questions as they come up, as I think is

1 appropriate to state why I'm objecting to the
2 question in the first place, and even suggesting
3 at times how you might cure your question.

4 MR. STEMLER: Okay.

5 MR. LUCHSINGER: I don't see anything
6 wrong with that.

7 Q. (By Mr. Stemler, continuing) Mr. Prairie,
8 are you ready to move on?

9 A. Yes, I'm ready, Taylor.

10 Q. Thank you.

11 Before we took a short break here, we were
12 talking about whether or not you were aware of
13 any other vehicle-mounted pumps that were
14 connected to a lever structure prior to 2013.

15 Do you remember that?

16 A. Yes, I remember that you were asking
17 some -- some general questions related to that
18 topic.

19 Q. Okay. I have your declaration here. I'd
20 like to scroll down to paragraph 145.

21 Do you see what I pulled up on my screen?

22 A. Yes. I'm just getting it on my local
23 side, too.

24 Q. Okay.

25 A. Paragraph 45, yep. Okay.

1 So you're on page 82?

2 Q. Yes.

3 A. Okay.

4 Q. Do you see the vehicle that's shown here
5 in these pictures under paragraph 145?

6 A. Yes. The picture that's shown on the
7 screen is the Sunstrand -- or sorry -- the -- the
8 Sunstrand floating manure agitator.

9 Q. Do you -- do you mean the Sundstrom
10 floating manure --

11 A. Oh, Sundstrom. Yes. Sorry. Sundstrom.
12 Sunstrand is another company I work with.

13 A Sundstrom.

14 Q. Okay. Does this pump -- does this picture
15 show a vehicle with a pump that is mounted to a
16 lever structure?

17 MR. LUCHSINGER: Objection as to
18 form, vague.

19 A. (Continuing) It is my understanding -- I
20 have not formed an official opinion on this --
21 that statement, but I believe that the -- my
22 understanding is that that -- is that a -- a GEA
23 Houle pump is not on a pivot. It's a long boom
24 arm that's a- -- attached and pushed into. So I
25 don't believe it pivots.

1 I don't have the full structure, but, if
2 my memory serves correct, I don't believe that
3 pump pivots.

4 Q. Okay. Can you please read the second
5 sentence of paragraph 145.

6 A. So paragraph 145, the part you have
7 highlighted states, "The boom arm extends forward
8 at an angle that can be tilted up and down to a
9 limited degree."

10 Q. Did you write that?

11 A. Yeah, I guess it does tilt. I couldn't
12 remember. I thought it was -- it was -- it was
13 predominantly horizontal or --

14 COURT REPORTER: Pardon me. Pardon
15 me. Pardon me. Doug, can you slow down --

16 THE WITNESS: Yep.

17 COURT REPORTER: -- a bit, please, so
18 that I can --

19 THE WITNESS: Sure.

20 COURT REPORTER: -- capture what
21 you're saying.

22 THE WITNESS: Yeah.

23 A. (Continuing) Yes, those are my words, but
24 I didn't -- that pump configuration is
25 predominantly horizontal or at a slight angle and

1 might have some tilt, but the -- I guess a -- to
2 a limited degree.

3 Q. Okay. Are you aware of any other vehicles
4 that have lever-mounted pumps attached to them?

5 MR. LUCHSINGER: Objection as to form
6 and foundation.

7 A. (Continuing) I guess if you want to pull
8 up other references in my declaration, we can
9 have discussions around them.

10 I'm not at a position to go through and
11 list all pumps that have pivot arms. I'm -- not
12 a position I've made -- I've done at this -- at
13 this point yet.

14 Q. Do you know if there were any other pumps
15 that -- vehicles with pumps that were attached to
16 lever arms in 2013?

17 MR. LUCHSINGER: Same objections.

18 A. (Continuing) Again, you've asked for a
19 specific date. I can't recall all pumps with
20 pivot arms that existed before or after that
21 date.

22 Q. Okay. Mr. Prairie, when the Sundstrom
23 pump tilts up and down at an angle on the boom,
24 does the pump have a substantially vertical drive
25 shaft that powers the impeller?

1 MR. LUCHSINGER: Objection as to form
2 and foundation.

3 A. (Continuing) I've not done a full
4 assessment of that combination, but it is my
5 understanding that that configuration is
6 predominantly horizontal, as shown in the image
7 of the screen here.

8 Q. Mr. Prairie, could you please read the
9 sentence second -- second -- I'm sorry.

10 Could you just please read paragraph 180
11 of your declaration.

12 A. So you would like me to -- just to
13 clarify, on page 105, you'd like me to read the
14 whole paragraph 180?

15 Q. You got it.

16 A. Okay.

17 So my declaration Exhibit 2106, paragraph
18 180 states, "On the other hand, this record
19 evidence does not support petitioner's
20 combination, which does away with the pivot
21 structure and pivot functionality of Nuhn's Pit
22 Pump, and either significantly shortens the boom
23 arm or does away with it completely. None of
24 these modifications were made by Sundstrom or
25 Puck, let alone vertically orienting a

1 submersible manure pump in a constant angular
2 rotation relative to the floatable vehicle body."

3 Q. So are you saying that -- are you saying
4 now that Sundstrom does teach a vertically
5 oriented drive shaft relative to the vehicle
6 body?

7 MR. LUCHSINGER: Objection as to
8 form.

9 A. (Continuing) No. I don't recall making
10 that statement, Taylor.

11 Q. Okay. So are you saying when the
12 Sundstrom pump tilts up and down, the drive shaft
13 is oriented substantially vertically relative to
14 the vehicle body?

15 MR. LUCHSINGER: Objection as to
16 form.

17 A. (Continuing) Once again, Taylor, those are
18 your words.

19 My words -- I believe I said they were --
20 it is predominantly horizontal.

21 Q. The drive shaft is predominantly
22 horizontal to the vertical -- vehicle body?

23 MR. LUCHSINGER: Objection as to
24 form.

25 A. (Continuing) What did you just say,

1 Taylor?

2 Q. Did you say the drive shaft is
3 substantially horizontal with respect to the
4 vehicle body?

5 MR. LUCHSINGER: Objection as to
6 form, vague.

7 A. (Continuing) Which pump configuration are
8 you referring to?

9 Q. The Sundstrom configuration.

10 A. Sorry. My throat just -- give me a second
11 here.

12 It is my understanding that the Sundstrom
13 floating manure boat is predominantly a
14 horizontal-type configuration.

15 Q. The drive shaft is orientedly -- ori- --
16 oriented horizontally?

17 A. The drive shaft of which particular
18 component are you referring to?

19 Q. Of the pump.

20 A. Could you pull up a diagram of the pump
21 itself and show specifically which component that
22 you're identifying.

23 Q. Are you equipped to understand what I'm
24 referring to when I say the drive shaft of the
25 GEA Houle pump?

1 MR. LUCHSINGER: Objection to the
2 form of the question.

3 A. (Continuing) I am not -- I'm not an expert
4 on the GEA Houle liquid-manure pump. I'm aware
5 it's used in conjunction with the Sundstrom
6 floater manure agitator, but I'm not an expert in
7 regards to all components related to that pump --
8 particular configuration of pump.

9 Q. Are you an expert on liquid-manure pumps?

10 A. Yes. I'm a POSITA in regards to
11 liquid-manure pumps, but you're asking me a very
12 detailed question about a very specific pump.

13 And so if you would like to -- I don't
14 believe I've made an opinion on that particular
15 pump in my declaration.

16 And if you would like to pull -- if you
17 have a -- a screen or a -- a -- a screenshot of
18 that or that pump itself in its configuration, we
19 can have a further discussion around that,
20 Taylor.

21 Q. Okay. Do you know if the GEA Houle pump
22 is a immersible impeller pump?

23 MR. LUCHSINGER: Objection as to form
24 and foundation.

25 A. (Continuing) I am -- I'm not an expert on

1 that particular pump and all the specs of that
2 particular pump at this time.

3 Q. Are you able to tell, from the picture
4 that you included at paragraph 145, whether or
5 not the GEA Houle pump that's shown there is an
6 immersible impeller pump?

7 A. What paragraph are you referring to?

8 Q. Your -- your declaration, paragraph 145.

9 A. So it's the same image that you just had
10 up on your screen. Correct?

11 Q. Yep.

12 A. Can you pull that back up again, then.

13 So there's an engine and a pump. Are you
14 referring to a drive shaft -- I mean, a drive
15 shaft -- there's multiple segments of a drive
16 shaft, so which drive shaft segment are you
17 specifically discussing, Taylor?

18 Q. I'm referring to the drive shaft that
19 would drive the pump impeller.

20 A. Well, which segment of that --

21 MR. LUCHSINGER: Objection to form,
22 vague.

23 COURT REPORTER: Pardon me. Pardon
24 me. That was two voices at once.

25 Please repeat the objection.

1 MR. LUCHSINGER: Objection to form,
2 vague.

3 A. (Continuing) Taylor, there's a drive shaft
4 that goes from the engine to the pump. You know,
5 this is a -- a broad view of the whole assembly
6 immersed in liquid manure.

7 Which particular portion?

8 I mean, we don't -- if you have a service
9 manual you want to pull up, we can look at it,
10 but --

11 Q. I'm just referring to the portion that
12 connects to the impeller.

13 A. Okay. Now -- now there you're being more
14 specific.

15 In that particular case, I don't have a
16 view of that pump as it's installed. That -- in
17 this view that's immersed into the liquid manure.
18 So I don't have a -- I can't get a view from
19 there because that portion is immersed into the
20 pit right now.

21 Q. So you're saying that when you look at
22 this picture, you aren't able to tell whether or
23 not the portion of the drive shaft that's
24 connected to the impeller would be oriented
25 vertically?

1 A. What I'm saying is, I don't recall at this
2 time, of that particular pump, where the
3 impeller -- how the impeller is orientated.

4 Q. Okay. I have a -- Exhibit 1169 here that
5 shows the GEA Houle pump.

6 I'm on page 6 of this exhibit.

7 Do you see the pump that's shown here?

8 MR. LUCHSINGER: Objection as to form
9 of the question.

10 A. (Continuing) I see a Houle pump on the
11 screen.

12 Q. Okay. Is this a GEA Houle pump?

13 A. I don't know. I don't see "GEA" anywhere.

14 Q. Okay. Does this pump show a impeller?

15 A. I've seen impeller -- it's labeled a
16 "Super Pump Housing and Impeller."

17 Q. Okay. Is that in the second image that's
18 shown in this page?

19 A. I guess it would be a middle image -- or
20 however you want to say it.

21 Q. Sure.

22 A. Or it's the top -- from top down,
23 middle -- middle of the page or so.

24 Q. Okay. Can you identify for me, in the top
25 image, where that impeller would be located?

1 A. It appears it would be located close to
2 where your cursor is, towards the bottom of that
3 image.

4 Q. Towards the bottom of the pump shown in
5 the top image?

6 A. Yes.

7 Q. Okay. Are you able to tell me whether or
8 not that impeller would be immersed in liquid
9 manure when this pump is pumping liquid manure?

10 A. I'm not sure if that's the same pump
11 that's shown in the diagram or not. I don't
12 have -- I mean, pump manufacturers -- just like
13 Nuhn -- makes multiple configurations of pumps.

14 Q. Okay.

15 A. I -- I -- I don't know if the pump you
16 have on the screen is the same that's shown in
17 the figure -- the paragraph 145 of my
18 declaration.

19 Q. Okay. Are you able to look at this
20 picture on my screen and tell me if that impeller
21 would be immersed in liquid manure when this pump
22 is pumping liquid manure?

23 A. I'm not fully familiar with the operation
24 of this particular pump.

25 Q. So no?

1 A. I'm just stating, looking at the image,
2 I -- I'm not familiar with the -- I'm familiar
3 with Nuhn's pumps and how their full operation --
4 I am not -- I am not an expert on the GEA Houle
5 and all of its operations.

6 Q. But you're an expert in liquid-manure
7 pumps?

8 A. Yes. I'm just not fully aware as to how
9 fully submerged that this pump needs to be
10 for -- for proper operation.

11 Q. Would it need --

12 A. Def- --

13 Q. -- to be submerged at all?

14 A. Well, definitely, it's a pump. It would
15 have to be in contact with the liquid manure.

16 Q. What portions would have to be in contact?

17 A. I don't know for sure if this pump -- that
18 those are both jets down there. It appears that
19 this pump would be -- like I said, is there an
20 operational manual on this pump to show how it's
21 run?

22 I -- I -- like I said, I -- with a
23 fractional view here, I -- I need to see --

24 COURT REPORTER: Pardon me. Pardon
25 me. Doug? Doug?

1 THE WITNESS: Yep.

2 COURT REPORTER: You speak very
3 quickly. If you could slow down --

4 THE WITNESS: Yes, I do, so --

5 COURT REPORTER: And you said, "like
6 I said, is there an operation-" -- "operational
7 manual"...?

8 A. (Continuing) If you can provide a --
9 Taylor, do you have a picture of how this
10 particular pump is when it's in operation?

11 Q. Do you need that in order to understand
12 how this pump would operate?

13 A. Well, I don't -- I'm taking for -- on
14 surface for a pump that you have on the screen.
15 So I am asking for further information about the
16 pump and this particular operation.

17 Q. So you can't tell me if this impeller
18 would be immersed in the manure without having
19 that further information?

20 A. What I'm stating is that I just want to
21 make sure this is a liquid-manure pump. I mean,
22 your -- this is a -- not a -- I -- I don't know
23 it this is -- I don't believe this is referenced
24 in mine. This is the first time I've seen this
25 document.

1 And so all I'm asking is if you want to
2 submit this reference, I can go through and look
3 at it a little closer -- the additional pages
4 that are along with it.

5 Q. Can you not tell that this is a liquid-
6 manure pump?

7 A. What I'm asking, sir --

8 MR. LUCHSINGER: Objection --
9 objection to form, vague, and argumentative.

10 A. (Continuing) What I'm asking you is if you
11 want to submit that document to the Exhibit
12 Share, I would like to look at it a little closer
13 on my end to answer your questions.

14 Am I not entitled to that?

15 Q. My apologies. I didn't realize I hadn't
16 submitted it to Exhibit Share.

17 All right. You should have it there now.

18 (Deposition Exhibit No. 1169 introduced.)

19 A. (Continuing) Yes, this appears to be a
20 pump that was designed and manufactured and
21 marketed as a liquid-manure pump.

22 Q. Okay. Have you ever considered this
23 document before, Mr. Prairie?

24 A. Let's see. Exhibit...

25 Yeah, I see this exhibit was referenced in

1 my declaration. I have not done a thorough
2 review of this document. I -- I've look at it.
3 I have not done a detailed review of it. Just --
4 other than just a -- I think it was provided --
5 it was one of your references, your --

6 Q. Okay.

7 A. -- references.

8 Q. Looking at this picture on page 6 of this
9 document. Are you able to tell me how the drive
10 shaft that is connected to the impeller of the
11 pump is oriented?

12 MR. LUCHSINGER: Objection as to
13 form.

14 A. (Continuing) Well, there's a horizontal
15 drive shaft. On this particular pump, as shown
16 here, there's a horizontal drive shaft coming
17 from the tractor to the pump.

18 Q. Okay. I'm still referring to the portion
19 of the drive shaft that's connected to the
20 impeller.

21 A. Can you highlight on the screen what
22 particular portion you're referring to.

23 Q. Are you unable to determine what portion
24 of the drive shaft would be connected to the
25 impeller without me doing that?

1 A. It's basically --

2 MR. LUCHSINGER: Objection to --

3 A. (Continuing) -- made it to the impeller.

4 COURT REPORTER: Pardon me. That was
5 two voices.

6 MR. LUCHSINGER: Objection as to
7 form.

8 Doug, if you could just take a -- a -- a
9 second --

10 THE WITNESS: Yep.

11 MR. LUCHSINGER: -- before
12 answering --

13 THE WITNESS: Yep.

14 MR. LUCHSINGER: -- just to give me
15 an opportunity --

16 THE WITNESS: Okay.

17 A. (Continuing) Well, there's a drive shaft
18 that goes from the PTO -- appears to be in that
19 third image down that shows the tractor -- from a
20 schematic representation of a tractor.

21 It appears some -- a PTO shaft that goes
22 from the tractor to the -- the unit. Be a
23 vertical drive shaft. And it would go down into
24 the -- where the impeller would be down, immersed
25 into the liquid manure.

1 Q. So this would have a vertical drive shaft?

2 A. This pump configuration is similar to
3 Nuhn's vertical pit pump configuration.

4 Q. Okay. Would this pump have a vertically
5 oriented drive shaft?

6 A. In operation --

7 MR. LUCHSINGER: Objection --

8 A. (Continuing) -- this --

9 MR. LUCHSINGER: -- form.

10 A. (Continuing) -- in this particular
11 configuration -- is shown in Figure 3 to be a
12 vertical drive shaft.

13 Q. Okay.

14 COURT REPORTER: Was there an
15 objection in there?

16 Pardon me.

17 MR. LUCHSINGER: Yeah, there was. It
18 was objection to form.

19 COURT REPORTER: If we could slow
20 down a just a little bit and avoid the overlap --

21 MR. LUCHSINGER: Yes.

22 COURT REPORTER: -- that would
23 be helpful.

24 MR. LUCHSINGER: I have to take
25 myself off mute and make the objection and go

1 back on mute, so it's -- you know, takes me a --
2 a few seconds.

3 THE WITNESS: Okay. I'll try to
4 leave you some time, then, Brad.

5 Q. (By Mr. Stemler, continuing) Mr. Prairie,
6 if this pump were connected to the Sundstrom
7 vehicle and tilted on a boom arm, up and down, in
8 the same way you referred to in paragraph 145 of
9 your declaration, would the drive shaft be
10 oriented substantially vertically still?

11 MR. LUCHSINGER: Objection as to
12 form, lacks foundation.

13 A. (Continuing) I don't believe my
14 declaration -- I've formed an official opinion on
15 that combination.

16 Q. Okay.

17 MR. STEMLER: Like to take a short
18 break. Is that all right with everybody?

19 THE WITNESS: How -- how many
20 minutes? Yeah. What time do you want to come
21 back?

22 MR. STEMLER: Let's do another
23 five-minute break, so --

24 VIDEOGRAPHER: We are -- we are -- go
25 ahead.

1 MR. STEMLER: Sorry, Dave. You can
2 proceed.

3 THE VIDEOGRAPHER: We're going off
4 the record. Time now is 10:57.

5 (Recess from 10:57 a.m. to 11:05 a.m.)

6 VIDEOGRAPHER: One moment.

7 We are back on the record. This is the
8 start to Media No. 4. The time is 11:08 [sic].

9 Q. (By Mr. Stemler, continuing) Hi,
10 Mr. Prairie.

11 A. Hello again.

12 Q. Earlier we were talking about whether the
13 lever structure connected to the wheel here is
14 connected to the underside of the vehicle.

15 Do you remember that discussion?

16 A. Yes, I remember the topic that you were
17 questioning on.

18 Q. Is this lever structure shown here
19 connected to the underside of the vehicle?

20 MR. LUCHSINGER: Objection as to
21 form, asked and answered.

22 A. (Continuing) I think we went through this
23 line of questions already and I've already
24 answered it.

25 Q. Mr. Prairie, this is an example of Brad

1 coaching you in how to respond to the question.

2 You still need to answer the question,
3 even if you have an objection to it.

4 MR. LUCHSINGER: I didn't instruct
5 the witness not to answer.

6 Are you taking the position that you
7 didn't ask this question before?

8 MR. STEMLER: I'm taking the position
9 that --

10 MR. LUCHSINGER: It's a simple
11 question. Did you ask this question before?

12 MR. STEMLER: No.

13 MR. LUCHSINGER: Really.

14 MR. STEMLER: I asked similar
15 questions. I don't know that I used those same
16 words to ask this question, Brad.

17 MR. LUCHSINGER: I'm pretty sure you
18 asked the same exact question before.

19 But go ahead and answer, Doug.

20 A. (Continuing) I -- I'm -- I was prepared
21 to -- before Brad saying anything, I was prepared
22 to say the same thing. It was, like, if -- we've
23 already gone through this line of questioning.

24 We can pursue the same path, if you wish.

25 Q. I'm asking you to answer that question.

1 Are you refusing to do so?

2 A. No, I'm not refusing to do so. I'm just
3 saying, if you're asking the same question, we
4 can go down the same path as before, if you wish.

5 Q. I'm asking you if the lever structure 5 is
6 connected to the underside of the vehicle.

7 A. Please zoom into the area that's referring
8 to. Particular -- the particular frame structure
9 that we're asking.

10 Q. What --

11 A. Yeah. So we zoomed in. So okay. We're
12 back into where we were before.

13 Q. Okay.

14 A. So ask your question again Taylor.

15 MR. STEMLER: Nancy, would you mind
16 reading back that question.

17 COURT REPORTER: "I'm asking you if
18 the lever structure 5 is connected to the
19 underside of the vehicle."

20 MR. LUCHSINGER: Same objection.

21 A. (Continuing) Lever structure 5, from -- as
22 it's shown in the -- on the screen here, is
23 attached to the welded frame structure of the
24 vehicle.

25 Q. Is it connected to the underside?

1 A. Portions of the -- portions of the welded
2 structure are part of the underside of the
3 vehicle.

4 Q. Is the portion that the lever structure 5
5 is connected to part of the underside of the
6 vehicle?

7 A. Will you please be explicit and point to
8 which sections that you're referring to or
9 highlight or -- as -- as we did before.

10 Q. No. I -- I'm asking, can you see whether
11 the lever structure 5 is connected to the
12 vehicle?

13 MR. LUCHSINGER: Objection as to
14 form.

15 A. (Continuing) I see item lever structure 5
16 is connected to the welded frame structure of the
17 vehicle.

18 Q. Is the point at which it is connected the
19 underside of the vehicle?

20 MR. LUCHSINGER: Objection as to
21 form.

22 A. (Continuing) The patent does not
23 explicitly state or describe, from my
24 understanding, exactly where it's mounted.

25 Q. Okay. Does it describe if it's connected

1 to the underside of the vehicle?

2 MR. LUCHSINGER: Objection as to
3 form, vague.

4 A. (Continuing) It's attached to the welded
5 frame structure of the vehicle.

6 Q. You mentioned that the fluid pump, when it
7 is attached to the vehicle, used in a lever
8 structure configuration, would be mounted to the
9 underside of the vehicle.

10 Is that right?

11 A. You know, if you wish, we can pull up that
12 section or I can find -- spend time finding and
13 read my exact text, if you wish.

14 Q. Okay. I think it was paragraph 69 of your
15 declaration.

16 A. If we want to go to page 39 of my
17 declaration -- yeah, paragraph 69, 70, and 71
18 describe how the pump is mounted to the underside
19 of the flowable vehicle body.

20 In summary, on page -- on -- in
21 paragraph 71 I state, "It is my opinion that a
22 POSITA would have understood that this lever
23 structure would be mounted to the underside of
24 the floatable vehicle body, to the front, rear,
25 or side of the pump housing, to act as a swing

1 arm that could pump" -- "allow the pump to move
2 up and down in a manner similar to the lever
3 structures 5 that raise and lower the wheels."

4 Q. And you're saying that the lever
5 structure 5 is connected to the underside of the
6 vehicle body?

7 MR. LUCHSINGER: Objection as to
8 form, foundation.

9 A. (Continuing) No. I'm stating it's mounted
10 in a fashion similar. It's a similar --

11 Q. Okay.

12 A. I did not specifically state in that
13 paragraph how structure 5 is mounted, other than
14 it's a pivot arm.

15 Q. Did the lever structure used -- did the
16 lever structure that could be attached to the
17 pump be mounted to other portions of the vehicle,
18 other than the underside of the vehicle?

19 MR. LUCHSINGER: Objection as to form
20 and foundation.

21 A. (Continuing) I have made my opinion that
22 the pe- -- I -- I can still state my paragraph
23 again, but I've already stated my position. I
24 can restate the paragraph, if you wish.

25 Q. No, thank you.

1 I'm asking if the lever structure to which
2 the pump would be connected could be
3 theoretically mounted to other portions of the
4 vehicle, other than the underside?

5 MR. LUCHSINGER: Objection as to
6 form, foundation.

7 A. (Continuing) I'd opine -- my opinion
8 here -- like I said, I have given [sic] my
9 position in my declaration.

10 I can read that answer again, if you wish,
11 Taylor.

12 Q. So you won't answer the question other
13 than by rereading that paragraph of your
14 declaration?

15 MR. LUCHSINGER: Just so the record
16 shows, the witness isn't refusing to answer.

17 Seems like Mr. --

18 A. (Continuing) No.

19 MR. LUCHSINGER: -- just wants a
20 different answer than the one the witness is
21 providing.

22 A. (Continuing) What I'm saying is that I
23 have made an opinion about that. And my opinion
24 is in my declaration.

25 And what I'm stating is that my opinion is

1 that this is what someone would do.

2 Q. So are you saying that there's no other
3 portion of the vehicle to which the lever
4 structure of the pump could be connected?

5 MR. LUCHSINGER: Objection; form,
6 foundation.

7 A. (Continuing) What I'm stating is that a
8 POSITA, from reading through the patent, would
9 most likely -- that, in my opinion, what they
10 most likely would do.

11 So I am -- I've made my position on how it
12 would most likely be done based on the
13 description and the figures provided.

14 Q. Okay. I'd like to go back to Paper 42 --
15 we were looking at earlier. Has the substitute
16 claims in it.

17 A. Okay.

18 Q. Scrolling here to Claim 57.

19 Can you read the highlighted text on
20 page 32 of Claim 57, Mr. Prairie.

21 A. Yes. Can you zoom in, please.

22 Q. Yes.

23 A. The highlighted text in purple on the
24 screen states, "where the pump housing and the
25 impeller are positioned along the underside of

1 the floatable vehicle body."

2 Q. Thank you.

3 I'll turn to page 40. Claim 80.

4 Apologize. Strike that.

5 I'd like to turn to page 27. Claim 41.

6 I've highlighted some text here, as well.

7 Could you please read the purple

8 highlighted text, Mr. Prairie.

9 A. Yes. This is Exhibit 42. What page are
10 we on?

11 27? Okay.

12 Page 27, there is text highlighted on the
13 screen, "the pump housing and the impeller of the
14 immersible liquid-manure pump are positioned
15 along the underside of the floatable" --
16 "floatable vehicle body."

17 Q. Thank you.

18 Mr. Prairie, do you know where it says on
19 the '835 patent that the pump housing is
20 positioned along the underside of the floatable
21 vehicle body?

22 A. Again, it's the full context of the
23 patent; the images and the context of the text
24 used within the patent.

25 Q. I'm sharing Exhibit 1001 on my screen

1 again.

2 A. Okay. That's the '835 patent. Okay.

3 Q. It is.

4 Scroll to Figure 3.

5 Mr. Prairie, would you understand that the
6 underside of the floatable buoyant elements -- to
7 be part of the underside of the vehicle body?

8 A. State your question again, please, Taylor.

9 Q. Would you understand the bottom surface of
10 the floatable buoyant elements to be part of the
11 underside of the floatable vehicle body?

12 A. Yes, I would consider them to be part of
13 that under- -- the undercarriage, under- -- the
14 underside.

15 Q. Would something that is positioned in a
16 plane that is about two inches below that bottom
17 surface of -- of the floatable elements be
18 positioned along the underside of the floatable
19 vehicle body?

20 MR. LUCHSINGER: Objection as to form
21 and foundation.

22 A. (Continuing) Like I stated earlier, the
23 underbody is not just a single element or a
24 single plane. That is -- consists of multiple
25 elements. And those multiple elements reside at

1 different heights. And so far there's not a set,
2 per se -- a vertical up/down height of -- of that
3 range. But it's the -- generally, the underside
4 of the vehicle. And the underside consists of
5 multiple components and multiple structures.

6 Q. Okay.

7 A. Not a -- not a single point or element.

8 Q. Are you aware that the '835 patent states
9 that the pump 9 can be raised and lowered
10 relative to the floatable vehicle body?

11 A. Yes, it describes a -- a configuration
12 that allows that to be raised and lowered -- the
13 fluid pump.

14 Q. When the pump is lowered so that the pump
15 housing is below the plane of the floatable
16 elements -- I -- I'm sorry. Strike that.

17 When the pump is lowered so that the pump
18 housing is below the plane of the bottom surface
19 of the floatable elements, is that pump housing
20 still positioned along the underside of the
21 floatable vehicle body?

22 MR. LUCHSINGER: Objection as to form
23 and foundation.

24 A. (Continuing) I'll go back to my previous
25 answer and stating that a single plane does not

1 define the underside or underbody. The
2 under- -- the underbody, undercarriage is
3 represented by a multitude of surfaces along the
4 frame and multiple elements. So a single plane
5 or element does not define that feature.

6 Q. When the pump is lowered so that the pump
7 is the lowest component on the vehicle, is the
8 pump housing still considered along the underside
9 of the floatable vehicle body?

10 MR. LUCHSINGER: Objection as to form
11 and foundation.

12 A. (Continuing) The patent, I don't believe,
13 states upper or lower boundaries in terms of its
14 raising.

15 However, it is mounted along the
16 underside. And the underside, basically, is
17 multiple components. The pump and the housing is
18 mounted along -- along the underside.

19 Q. How far would you understand the pump to
20 be able to extend below the floating vehicle
21 body?

22 MR. LUCHSINGER: Objection as to
23 foundation.

24 A. (Continuing) My understanding that the
25 vehicle is designed such that when it's afloat,

1 in operation of liquid manure, that the pump and
2 the housing are immersed in liquid manure.

3 Q. Mr. Prairie, looking at Figure 3, can you
4 tell me whether the pump is in a raised or a
5 lowered configuration?

6 A. It is my understanding --

7 MR. LUCHSINGER: Objection as to
8 foundation and form.

9 A. (Continuing) It is my understanding that
10 the pump, as shown in Figure 3, is mounted along
11 the underside of the -- of the vehicle body.

12 Q. Can you tell me if it's in a raised or a
13 lowered configuration?

14 MR. LUCHSINGER: Objection as to form
15 and foundation.

16 A. (Continuing) I can tell that it's mounted
17 along the underside of the vehicle body.

18 Q. But you can't tell me, looking at this
19 figure, whether it's in a raised or a lowered
20 configuration, I take it.

21 MR. LUCHSINGER: Objection as to
22 form, vague.

23 A. (Continuing) It doesn't have to be raised
24 or lowered. That's one thing -- is, it's not
25 a -- it's not a fixed required -- it's not a set

1 requirement that has to be raised or lowered. It
2 can be in a fixed position, as well.

3 So, to help answer your question -- is
4 that it doesn't have to be either raised or
5 lowered; it can be in a fixed position.

6 And so if it -- for all I know -- is, this
7 could be a fixed position and, therefore, because
8 the pump is mounted along the underside of the
9 vehicle carriage, I have to assume that it's in
10 the -- potentially the fixed configuration
11 situation, as well, and, therefore, is mounted
12 along the underside of the vehicle.

13 Q. Looking at Figure 8. Is this the fixed
14 configuration version of the pump that you're
15 talking about?

16 MR. LUCHSINGER: Objection as to
17 form.

18 A. (Continuing) Figure 8 is used to describe
19 some components of the pump and the housing
20 themselves and its support structure.

21 Q. Is this pump raised or -- is this pump
22 raising and lower- -- sorry.

23 Does this pump have the ability to be
24 raised and lowered?

25 A. As we discussed earlier, yes, the -- the

1 Figure 8 talks about some of the details on how a
2 cylinder could be configured to raise or lower
3 the pump.

4 An alternate embodiment -- or one option
5 is to use a lever arm to raise and lower the
6 pump.

7 Q. Does this figure illustrate the cylinder?

8 A. There is a cylinder shown in Figure 8.

9 Q. Can you point out what it's labeled with.

10 A. I believe cylinder is identified as
11 Item 35.

12 Q. Okay. You see here on Column 5, where it
13 talks about Figures 1 through 8?

14 A. Yes, I -- see the section that you're
15 referring to in the '835 patent.

16 Q. Is it your understanding that those
17 figures are all referring to the same vehicle?

18 MR. LUCHSINGER: Objection as to
19 form, foundation.

20 A. (Continuing) It is my understanding that
21 they all are part of the '835 patent, which is
22 part -- which is all an amphibious pumping
23 vehicle.

24 Q. Okay. Do they all refer to "the vehicle"?

25 MR. LUCHSINGER: Objection as to

1 form.

2 A. (Continuing) I'm not sure I understand
3 what you mean by "the."

4 Q. Do all --

5 A. Ohio State here or something, but...

6 Q. Do all of Figures 1 through 8 use the
7 phrase "the vehicle"?

8 A. I do not know the answer to that question.

9 Q. Do all of the sentences shown in Column 5,
10 from lines 1 to 17, include the phrase "the
11 vehicle"?

12 A. It looks like Figure 5 description shows
13 just "of vehicle."

14 Q. Okay. Do the rest of them use the phrase
15 "the vehicle"?

16 MR. LUCHSINGER: Objection --

17 A. (Continuing) Looks like --

18 MR. LUCHSINGER: -- to form.

19 A. (Continuing) -- the word "the" is in front
20 of "vehicle" in every other figure description
21 except Figure 5.

22 Q. Okay. Is it your understanding that those
23 would be referring to the same vehicle, then?

24 MR. LUCHSINGER: Objection as to form
25 and foundation.

1 A. (Continuing) I'd take it as it's the --
2 the amphibious pumping vehicle.

3 Q. Okay. So given that Figure 8 shows a
4 raising and lowering pump, would you also
5 understand Figure 3 to show a raising and
6 lowering pump?

7 MR. LUCHSINGER: Objection as to form
8 and foundation.

9 A. (Continuing) I would say patents can
10 include multiple pictures to show multiple
11 configurations and options that could be
12 utilized.

13 So, based on your assessment, I -- I -- I
14 cannot make that statement, that it's the same
15 configuration as shown in Figure 8. I do not
16 know that.

17 Q. Does the patent say that the Figure --
18 that what's shown in Figure 8 is a different
19 embodiment than what's shown in Figure 3?

20 A. I'm just stating that patents can include
21 pictures from multiple configurations of vehicle
22 designs to talk about different options,
23 configurations that could exist.

24 Q. And I'm asking about this -- this
25 particular patent.

1 A. I am unable to see a cylinder. I don't
2 know if it's a cylinder. I don't see -- I don't
3 believe it's identified in Figure 3, so I do not
4 know exactly how Figure 3 is configured.

5 Q. Looking at Figure 3. Are you able to tell
6 whether the pump housing is arranged above or
7 below the bottom surface of the floatable
8 elements?

9 MR. LUCHSINGER: Objection as to
10 form, vague.

11 A. (Continuing) I can just say that that,
12 from the description and my position in -- as a
13 POSITA -- is that I believe that in that
14 configuration the pump is mounted along the
15 underside of the vehicle body.

16 As I stated, the underside of the vehicle
17 body is not a single plane or element.

18 Q. Are you unable to say whether the pump
19 housing is located -- located above or below the
20 bottom surface of the floatable buoyant elements?

21 MR. LUCHSINGER: Objection as to
22 form. Same objection.

23 A. (Continuing) No.

24 What I can say is that the underside --
25 this is a view of the underside of the vehicle.

1 We know that the pump and housing is
2 mounted along the underside of the vehicle. And
3 the buoyant element -- the floatable buoyant
4 elements, the structural frame -- all comprise
5 the underside or undercarriage of this vehicle.
6 So -- and the pump is mounted along that.

7 Q. Okay. Looking at Figure 8. Are you able
8 to tell whether this pump is in a raised or a
9 lowered position?

10 MR. LUCHSINGER: Objection as to
11 form, vague.

12 A. (Continuing) Again, I would say that the
13 patent itself described that the pump is
14 mounted -- I'm going to assume it's an
15 operational position. And it's going to be a --
16 mounted along the underside of the vehicle.

17 Q. Can you tell me whether or not the pump
18 housing shown here in Figure 8 is located above
19 or below the bottom surface of the buoyant
20 elements?

21 MR. LUCHSINGER: Objection as to
22 form. Same objection.

23 A. (Continuing) Same answer. The pump is
24 mounted along the underside of the vehicle. And
25 the buoyant elements -- there's -- I -- that's

1 why I know it's mounted to -- the buoyant -- the
2 surface of the buoyant elements create part of
3 that surface.

4 Q. Does the '835 patent state how high and
5 how low the pump can be raised and lowered with
6 respect to the vehicle?

7 A. It talks about how the pump in operation
8 is immersed in liquid manure while it's floating
9 in the liquid-manure lagoon.

10 Q. Okay.

11 A. And during that situation it's mounted
12 along the underside of the vehicle body.

13 Q. If the pump housing were lowered to a
14 position in which it were below the bottom
15 surface of the buoyant elements, would you still
16 consider that pump to be located along the
17 underside of the vehicle body?

18 MR. LUCHSINGER: Objection as to form
19 and foundation.

20 A. (Continuing) Again, the structure of the
21 frame goes below the buoyant elements. And so
22 that's part of the undersurface, the
23 undercarriage area.

24 So I can't give you a firm answer on that
25 to -- to your position there.

1 Q. If the pump housing were located below the
2 bottom-most point of the frame, would it be your
3 opinion that that pump housing would still be
4 located along the underside of the vehicle body?

5 MR. LUCHSINGER: Objection as to form
6 and foundation.

7 A. (Continuing) Well, as I stated, the
8 underside has multiple surfaces. And so if it
9 resides outside of the multiple surfaces that
10 create the underside, then it would not be
11 mounted along the underside of the vehicle.

12 Q. So, in your opinion, if the pump were
13 lowered by this telescoping structure to a point
14 where it's below the bottom-most point of the
15 frame of the vehicle, that pump housing would no
16 longer be along the underside of the vehicle?

17 MR. LUCHSINGER: Objection as to form
18 and foundation.

19 A. (Continuing) What I'm stating is that the
20 pump was mounted to a -- if the pump was lower
21 than the underside of the vehicle, then it would
22 no longer be attached to the underside of the
23 vehicle. And so I'm not stating that.

24 I'm just stating that if you move a pump
25 low enough, no, it's not part of the underside

1 anymore.

2 Q. What about this pump here? This pump is
3 lowered, using this telescoping structure, to a
4 point where the pump housing is below the
5 bottom-most point of the frame, yet still
6 attached to the vehicle.

7 Is that considered along the underside of
8 the vehicle?

9 MR. LUCHSINGER: Objection as to form
10 and foundation.

11 A. (Continuing) What I'm stating is that the
12 pump is designed to be operated, immersed into
13 liquid manure. And that the vehicle itself is --
14 is submerged into liquid manure. And, therefore,
15 it's at a depth that allows the pump to be run
16 in -- in -- to be submersed.

17 And so, from my understanding of the
18 vehicle, it does not need to go below the -- the
19 lower surface, as described, of the lower
20 vehicle, to be functional.

21 So I see no need to do the situation that
22 you're describing.

23 Q. I'm showing Figure 4 on my screen.

24 Do you see this, Mr. Prairie?

25 A. Yes, I see Figure 4.

1 Q. Can you tell me what Figure 4 shows.

2 A. Figure 4 --

3 MR. LUCHSINGER: Objection to form.

4 A. (Continuing) -- as described --

5 COURT REPORTER: Please repeat the
6 objection.

7 MR. LUCHSINGER: Objection as to
8 form.

9 A. (Continuing) Figure 4 shows a perspective
10 view of the set of wheels of the vehicle from the
11 underside of the vehicle.

12 Q. Okay. Can you identify for me what
13 Reference No. 25 is pointing to.

14 A. 25 is the hydraulic motors that drive the
15 wheels.

16 Q. Are those hydraulic motors located along
17 the underside of the vehicle?

18 MR. LUCHSINGER: Objection as to form
19 and foundation.

20 A. (Continuing) The frame of the vehicle --
21 they are outside the frame of the vehicle. And
22 so they are not part of the underside of the
23 vehicle.

24 Q. Are they located along the underside of
25 the vehicle?

1 MR. LUCHSINGER: Objection as to
2 form, foundation, asked and answered.

3 A. (Continuing) They are -- those hydraulic
4 motors are attached to the wheel -- the wheel
5 drive structure.

6 Q. Are they located along the underside of
7 the vehicle?

8 MR. LUCHSINGER: Same objections.

9 A. (Continuing) As I stated, the wheel -- the
10 wheels are not part of the -- are not part of the
11 underside of the vehicle.

12 Q. But are the -- are the hydraulic motors 25
13 located along the underside of the vehicle?

14 MR. LUCHSINGER: Same objections.

15 A. (Continuing) No. They are attached to the
16 drive train, the drive mechanism that's attached
17 to the wheels.

18 Q. Okay. So that region is not the underside
19 of the vehicle?

20 A. The wheels are not the underside of the
21 vehicle.

22 Q. And they are not located in a position
23 along the underside of the vehicle?

24 A. The wheels are not part of the underside
25 of the vehicle.

1 Q. Are they located in a region that's along
2 the underside of the vehicle?

3 MR. LUCHSINGER: Objection as to
4 form.

5 A. (Continuing) The wheels are not along the
6 underside of the vehicle; therefore, the drive
7 motors are not along the underside of the
8 vehicle.

9 Q. Okay. You stated that the underside of
10 the vehicle includes multiple components, but you
11 also say that the wheels are not part of the
12 underside of the vehicle.

13 Is that right -- correct?

14 A. Yes.

15 You also asked me about the engine. And I
16 said that the engine was not part of the
17 underside of the vehicle earlier, as well.

18 Q. Are any part of the wheels the --
19 considered part of the underside of the vehicle?

20 A. I would not consider the wheels to be part
21 of the underside of the vehicle.

22 Q. How do you determine what parts of the
23 vehicle are the underside of the vehicle?

24 A. I would utilize the -- the frame, the
25 floating elements -- to the structural frame, the

1 floating elements to help define -- help define
2 that -- help define the underside of the vehicle.

3 Q. So is the underside of the vehicle limited
4 to the frame and the floatable vehicle and the
5 floatable elements?

6 MR. LUCHSINGER: Objection; form.

7 A. (Continuing) The wheels and motors are
8 part of the drive train that's exterior that can
9 be rais- -- raised and lowered for operational
10 purposes.

11 I am -- for this line of -- for -- for
12 your questions here, as I'm stating, that the --
13 the wheels are not part of the underside of the
14 vehicle.

15 Q. Okay.

16 A. And that frame of reference comes from
17 vehicle design. So, like, an automotive car, the
18 wheels would not be part of the underside of the
19 vehicle. Similar to this vehicle, as well.

20 So, typically, wheels are not part of the
21 undercarriage of the vehicle. They are a
22 separate element.

23 Q. Okay. Would the underside of the vehicle
24 include this diagonal portion of the vehicle
25 frame shown here in Figure 3?

1 There's several diagonal portions that
2 extend vertically up from the lower-most beams of
3 the frame.

4 MR. LUCHSINGER: Objection as to
5 form, vague.

6 A. (Continuing) Again, I haven't done a full
7 assessment of every element that is or is not
8 part of the underside.

9 I -- I said it's not a single plane or
10 surface or element.

11 It's hard to say. Parts -- parts that,
12 too, could be. I can't say with certainty.

13 Q. So you've conclusively established that
14 the wheels and all their associated components
15 are not the underside of the vehicle, but you
16 can't tell me if these diagonal beams are part of
17 the underside of the vehicle?

18 MR. LUCHSINGER: Objection as to
19 form, argumentative.

20 A. (Continuing) No. My statement goes back
21 to general vehicle design.

22 Take a car, for example. A car is a
23 structural frame that consists of multiple
24 elements. The wheels and the vehicle frame are
25 not part of the underside. They are the

1 propulsion system that comes in contact with the
2 ground.

3 This particular vehicle, again, is --
4 it's -- vehicle design. Parts of the frame are
5 definitely part of the underside.

6 And so you're pointing to elements on the
7 frame. So it's a possibility that since some of
8 the frame is part of the underside, that element
9 could be, as well.

10 I've not done a full assessment of every
11 element on the frame, but the frame is definitely
12 part of the underside.

13 Q. Are the sides of the vehicle part of the
14 underside?

15 MR. LUCHSINGER: Objection as to
16 form, vague.

17 A. (Continuing) Parts of the sides could be.

18 Q. Which parts?

19 MR. LUCHSINGER: Same objection.

20 A. (Continuing) The sides are part of the --
21 again, the floatable elements. The structural
22 frame is definitely part of the undercarriage,
23 undersurface areas. And so, therefore, parts of
24 the frame, parts of the floats could be, but it's
25 not 100 percent of it.

1 Q. I'm looking here at Figure 2. Do you see
2 what's pointed out with Reference No. 2 of
3 Figure 2?

4 A. Figure 2 is pointing to a buoyant element.

5 Q. Does that figure -- does that Reference
6 No. 2 identify a surface of the buoyant element?

7 Let me rephrase.

8 A. No --

9 Q. Does Reference No. 2 connect to a surface
10 of the buoyant element?

11 MR. LUCHSINGER: Objection as to
12 form.

13 A. (Continuing) I -- Item 2 is simply
14 pointing out where the buoyant element is. It's
15 not meant to call out a surface.

16 Q. Sure.

17 But does the lead line of Item 2 touch a
18 surface of the buoyant element?

19 A. I don't know. It's -- it's just pointing.
20 It's indicating where that item is.

21 Q. What side of the vehicle is shown here in
22 Figure 2?

23 A. Figure 2 shows another perspective view of
24 the vehicle with wheels raised.

25 COURT REPORTER: Was there an

1 objection in there?

2 MR. LUCHSINGER: There was. It was
3 objection to form.

4 COURT REPORTER: Thank you.

5 Q. (By Mr. Stemler, continuing) Can you
6 identify for me which wheel this is, in terms of
7 the left or right side of the vehicle,
8 Mr. Prairie?

9 And I'm pointing to the lower-most
10 reference number, Figure 4. Or a -- a --
11 Reference No. 4.

12 MR. LUCHSINGER: Same objection.

13 A. (Continuing) So, again, what -- what kind
14 of description are you looking for?

15 Q. Is it the left or the right side of the
16 vehicle?

17 MR. LUCHSINGER: Same objection.

18 A. (Continuing) It's my understanding that is
19 the front side of the vehicle. This would be the
20 front left.

21 Q. Okay. Can you tell whether the left
22 side -- left surface of the buoyant element
23 identified with Reference No. 2 is shown here in
24 Figure 2?

25 MR. LUCHSINGER: Objection as to

1 form.

2 A. (Continuing) What I can say is that,
3 again, a buoyant -- the -- the buoyant elements
4 are part of the -- a -- a -- the part -- probably
5 defined the underside of the carriage, along with
6 the frame. The sides are part of the buoyant
7 element. And parts of the sides could be part of
8 the undercarriage or undersurface.

9 Q. Okay. So is it your opinion that parts of
10 the left side of the buoyant element 2 could be
11 considered along the underside of the floatable
12 vehicle body?

13 MR. LUCHSINGER: Objection as to form
14 and foundation.

15 MR. STEMLER: Brad, I -- I see you
16 shake your head no. I feel like that is
17 instructing the witness to answer in a particular
18 way.

19 MR. LUCHSINGER: Taylor, I'm shaking
20 my head because I don't understand your question.

21 MR. STEMLER: Okay. Can you please
22 just --

23 MR. LUCHSINGER: And I don't think --
24 I don't think I'm required to -- I don't think
25 I'm required to be a static robot in the

1 deposition, as -- I don't know -- you're
2 apparently suggesting.

3 MR. STEMLER: I don't think it's fair
4 for you to be --

5 MR. LUCHSINGER: Take your
6 deposition.

7 MR. STEMLER: -- shaking your head
8 yes or no.

9 MR. LUCHSINGER: Hold on.

10 I think your defin- -- definition of
11 coaching the witness is way off. I'm not
12 suggesting an answer to the question in the least
13 in my objections or behavior.

14 So for you to suggest otherwise is
15 unprofessional.

16 MR. STEMLER: Well, it looks like
17 you're shaking your head no in response to my
18 question.

19 MR. LUCHSINGER: Do you want me to
20 respond to that the same way as -- as I just did?

21 You -- you have my position on it.

22 MR. STEMLER: I don't want you to do
23 anything.

24 MR. LUCHSINGER: I --

25 MR. STEMLER: I'm asking you to stop

1 shaking your head in response to my questions.

2 Can you do that?

3 MR. LUCHSINGER: Yes, I will try and
4 be a -- a -- as static as possible for you,
5 Taylor, if --

6 MR. STEMLER: Thank you.

7 MR. LUCHSINGER: -- if that would
8 please you.

9 Q. (By Mr. Stemler, continuing) Mr. Prairie,
10 do you see the left-side surface of the floatable
11 element labeled with Reference No. 2?

12 A. I see the buoyant -- buoyant element that
13 you're pointing to and Figure 2 points to.

14 Q. Do you see the left-side surface of that
15 buoyant element?

16 A. I see the buoyant element.

17 Q. Okay. Does that buoyant element have
18 several surfaces to it?

19 A. Yes, the buoyant element has multiple
20 surfaces on it.

21 Q. How many surfaces do you think that
22 buoyant element has?

23 A. I am unable to answer your question.

24 Q. Is that buoyant element rectangular?

25 A. It's generally rectangular in shape.

1 Q. How many sides does a rectangle -- or a
2 rectangular prism have?

3 A. Are they square edges?

4 Q. Sure.

5 A. So you've got a box. So you've got --
6 one, two, three, four -- let's see -- one, two,
7 three, four, five, six.

8 So I think, if I'm thinking through it
9 right, we've got six -- six surfaces on a
10 rectangular prism.

11 Q. Okay. Would you generally understand that
12 the floatable element 2 has six surfaces
13 associated with it?

14 A. I don't believe that it says anywhere in
15 there it's a solid rectangle prism, though.

16 Q. Okay.

17 A. That has vertical -- purely vertical
18 sidewalls and just -- it says it's a floatable
19 element. I don't believe there's any further
20 description as to its full characteristics.

21 Q. Do you think that the figures inform what
22 its characteristics are?

23 COURT REPORTER: Can you repeat that
24 question, please.

25 A. (Continuing) The general form --

1 Q. Do you think the figures inform what the
2 characteristics of the floatable vehicle element
3 are.

4 A. In general, but it's a -- most likely some
5 roto molder injected surface. And it's going to
6 have draft angles and rounded edges and fillets.
7 And -- and so it's --

8 Q. Does the '835 patent say that that's the
9 case?

10 A. No. But it doesn't say it's a rectangular
11 prismatic surface, either.

12 Q. How does it depict it?

13 A. As I stated, it's generally a rectangular-
14 type structure, but that does not mean it's fully
15 a rectangular-type structure. Means it could
16 have angled surf- -- slightly angled surfaces and
17 it's a buoyant element.

18 Q. Does Figure 2 show a left-side surface of
19 the buoyant element that's labeled with Reference
20 No. 2?

21 MR. LUCHSINGER: Objection as to
22 form.

23 A. (Continuing) Again, Item 2 points to the
24 element of the whole -- of -- buoyant element as
25 a whole. It's not meant to call out a

1 specific -- specific surface.

2 Q. I know that, but does Figure 2 show the
3 left-side surface of the buoyant element?

4 A. There is a left side of that general --
5 there's generally a left side of that element.

6 Q. Okay. Is the left side that's shown here
7 of that element positioned along the underside of
8 the floatable vehicle body?

9 MR. LUCHSINGER: Objection as to
10 form.

11 A. (Continuing) As I've stated, a portion of
12 it could be.

13 Q. Is that the case in this figure?

14 A. What's that?

15 Q. Is that the case in this figure?

16 A. I'm saying a portion of it could be.

17 MR. STEMLER: Okay. I'd like to take
18 a short lunch break.

19 Does that work for you, Brad?

20 MR. LUCHSINGER: Yeah, it does.

21 Why don't we go off the record and we can
22 talk about how long.

23 MR. STEMLER: All right.

24 VIDEOGRAPHER: We -- we're going off
25 the record. Time now is 11:55.

1 (Recess from 11:55 a.m. to 12:24 p.m.)

2 VIDEOGRAPHER: One moment.

3 We are back on the record. This is the
4 start to Media No. 5. The time is 12:24.

5 Q. (By Mr. Stemler, continuing) Good
6 afternoon, Mr. Prairie.

7 A. Hello, Taylor, again.

8 Q. I'm pulling up a copy of Exhibit 1001
9 again. Looking at Figure 8.

10 A. Okay.

11 Q. Can you see my screen?

12 A. Yes, I can see your screen, Taylor.

13 Q. Would you agree with me that Figure 8 is a
14 bottom-perspective view of the vehicle described
15 in the '835 patent bottom?

16 A. Specifically, the patent calls out --
17 Figure 8 shows a perspective view of the fluid
18 pump from the underside of the vehicle.

19 Q. Okay. And we were discussing earlier
20 whether or not Figure 8 shows the pump in a
21 raised or lowered configuration.

22 Do you remember that?

23 A. Yes. You were asking questions along that
24 topic.

25 Q. And were you able to tell me whether

1 Figure 8 shows the pump in a raised or a lowered
2 configuration?

3 A. I don't remember everything I -- exact --
4 I said. I believe it was along the lines that --
5 in Figure 8, that the pump is mounted along the
6 underside of the vehicle.

7 Q. And would that mean that the pump is in a
8 raised or a lowered configuration?

9 MR. LUCHSINGER: Objection as to
10 form.

11 A. (Continuing) I would understand that
12 the -- there's a fixed configuration option, so
13 this is simply showing an alternate embodiment
14 that -- how it could be configured.

15 Q. Is it your opinion that the '835 patent
16 substitute claims cover the vehicle shown in
17 Figures 1 through 8 of the '835 patent?

18 MR. LUCHSINGER: Objection as to form
19 and foundation.

20 A. (Continuing) Please restate the question.

21 Q. Is it your opinion that the substitute
22 claims of the '835 patent would cover the vehicle
23 that's shown in Figures 1 through 8 of the '835
24 patent?

25 MR. LUCHSINGER: Same objections.

1 A. (Continuing) Figures 1 through 8 support
2 the claims -- the substitute claims.

3 Q. Would the substitute claims cover the
4 vehicle that's shown in Figures 1 through 8?

5 MR. LUCHSINGER: Same objections,
6 asked and answered.

7 A. (Continuing) Substitute claims utilize the
8 figures shown in the patent to support -- for
9 support.

10 Q. Sir, are you unable to say whether or not
11 those claims would -- this vehicle practices
12 those claims?

13 MR. LUCHSINGER: Objection as to form
14 and vague.

15 A. (Continuing) That's a different question,
16 but the substitute claims are supported by -- are
17 supported by the patent, including the figures --
18 including those figures.

19 Q. Does this vehicle that's shown in
20 Figures 1 through 8 practice the substitute
21 Claims 41 through 80?

22 MR. LUCHSINGER: Objection; form,
23 asked and answered.

24 A. (Continuing) Again, the substitute claims
25 utilized the language and the figure shown in the

1 patent, so the -- so I guess they support each
2 other.

3 Q. Do you see this linear actuator? I
4 believe you identified it as Reference No. 35,
5 shown here in Figure 8?

6 A. I believe the patent references it as 35.
7 I was simply reciting what the patent called it
8 out as.

9 Q. Okay. Is that cylinder in a extended or a
10 retracted configuration, to your --

11 COURT REPORTER: Pardon me. There
12 was an interruption in your question.

13 "Is that cylinder in a extended or a
14 retracted configuration, to your"...?

15 Q. (By Mr. Stemler, continuing) Is that
16 cylinder shown in an extended or a retracted
17 position as shown here in Figure 8?

18 A. I don't know what position the -- the
19 whole structure is in, but I can tell that the
20 cylinder -- the cylinder is not retracted. The
21 cylinder itself. So you can tell the rod is
22 exposed -- well, actually, you don't -- you
23 don't, actually, know that for sure.

24 So sometimes cylinder rods can be -- don't
25 have to be fully next to it to be extended and

1 retracted.

2 So the pictures and the text do not give
3 sufficient information to fully tell you what
4 position that cylinder is in.

5 Q. Okay. Is it your understanding that the
6 cylinder would be in an extended position when
7 the pump is lowered, as shown here in Figure 8?

8 A. I don't believe that the patent itself
9 gives a lot of -- it just says that it can be
10 raised and lowered. A cylinder could be used to
11 raise and lower it. It doesn't explicitly state
12 the geometry or how the cylinder would have to
13 operate.

14 Q. Do you think a person of ordinary skill in
15 the art would understand how the cylinder would
16 have to operate in order for the pump to be
17 raised and lowered?

18 A. Yeah. But I'm only saying, is that --
19 just because from the picture itself you can't
20 tell because, you know, you can have a cylinder
21 that's fully retracted, but still have exposed
22 rods.

23 So just by looking at the cylinder in the
24 picture, I am unable to tell you if the cylinder
25 is extended or retracted.

1 Q. Okay. So is it your understanding that
2 that cylinder would need to be retracted in order
3 to raise the pump upwards?

4 MR. LUCHSINGER: Objection to form
5 and vague.

6 A. (Continuing) The cylinder would have to
7 move.

8 I mean, yeah, that's a linear actuator, so
9 inherently a linear actuator would have to move
10 to cause relative motion.

11 Q. And do you understand, from the picture of
12 Figure 8, how the cylinder would have to move in
13 order to lower the pump?

14 A. Figure 8 is a general representation. It
15 doesn't go into full detail about all the
16 geometry. It talks -- we -- all I have for
17 detail information is what I cited earl- --
18 earlier in my -- cited in the patent. That has a
19 little more detail to it.

20 But the patent itself does not get into
21 full detail about the mechanisms in that area,
22 but the -- in terms of pictorially, the -- kind
23 of have to reference Column 3.

24 The upper portion of Column 3 in the
25 '835 patent provides a -- some definition there.

1 Q. Okay. Generally speaking, if the cylinder
2 were to be retracted, would that raise the fluid
3 pump?

4 MR. LUCHSINGER: Objection to form,
5 vague.

6 A. (Continuing) What kind of configuration
7 are you talking about?

8 Q. The configuration of Figure 8.

9 A. I think I already answered your question
10 in that in Figure 8 there's insufficient
11 information to tell you exactly how the cylinder
12 has to operate.

13 The -- the written description within the
14 patent tells you it can be telescoping or it can
15 be -- could have a pivoting arm, and the cylinder
16 would -- would -- a linear actuator -- electric
17 linear actuator would provide that relative
18 motion that -- for the -- for the actuator.

19 But doesn't really get into detail in
20 regards to if a cylinder has to be extended or
21 retracted to cause that motion to take place.

22 Q. Do you think a person of ordinary skill in
23 the art would have understood, from the
24 disclosure of the '835 patent, whether the
25 cylinder needs to be extended or retracted to

1 cause raising -- raising of the fluid pump?

2 A. It depends on the mechanism and how you
3 structure the geometry. Sometimes a cylinder
4 can -- you can have a different kind of geometry
5 and different kind of structure. So sometimes
6 extending a cylinder can do inverse motion based
7 on how it looks. So without fluid description, I
8 can't say with certainty how -- how it does
9 operate.

10 Q. Based on how Figure 8 looks, is it your
11 understanding that the cylinder does reverse
12 motion?

13 A. I guess my position is, I can't tell with
14 certainty exactly the -- it doesn't describe, it
15 doesn't give its details.

16 So I can't tell you with certainty how the
17 cylinder has to operate in order to extend or
18 retract.

19 It just says it uses cylinder actuator
20 to -- for telescoping and for pivoting action.
21 It doesn't really go into detail whether the
22 cylinder has to extend -- retract for extension
23 or -- or -- retract for extension.

24 It doesn't -- it doesn't tell you either
25 way, so I -- I can't say with certainty how it's

1 structured.

2 Q. Okay. If this pump housing shown here in
3 Figure 8 were lowered to a point at which it is
4 below the bottom surface of the floatable
5 elements, is it your understanding that the
6 floatable element would be located directly
7 rearward of the pump housing?

8 MR. LUCHSINGER: Objection as to
9 form.

10 A. (Continuing) Re- -- restate the question,
11 please.

12 MR. STEMLER: Nancy, would you mind
13 reading it back.

14 COURT REPORTER: "If this" -- "If
15 this pump housing shown here in Figure 8 were
16 lowered to a point at which it is below the
17 bottom surface of the floatable elements, is it
18 your understanding that the floatable element
19 would be located directly rearward of the pump
20 housing?"

21 A. (Continuing) Which element and which
22 forward and which reverse are you referring to
23 here?

24 Give me some form of geom- -- of geometry
25 here, Taylor.

1 Q. Yeah. The rear floatable element.

2 A. Which is which one?

3 Q. I -- I believe it's the one right here at
4 the bottom left portion of Figure 8.

5 A. Okay. And how is the pump positioned
6 relative to that floatable element?

7 Q. The pump housing is positioned below the
8 bottom surface of that floatable element.

9 A. Okay.

10 MR. LUCHSINGER: Objection; form,
11 foundation.

12 A. (Continuing) So the bottom surface -- so
13 part of the pump housing is still in front of the
14 pump -- the floatable element?

15 Q. Right.

16 A. So just one surface of the pump is
17 slightly below or -- you're just giving a
18 relative -- I mean, I -- are you --

19 Q. The pump housing is below the bottom
20 surface of the floatable element.

21 A. Okay. So what definitive yes/no answer do
22 you want? What question -- what's your question,
23 again?

24 Okay. I got the geometry somewhat figured
25 out, I think, of what you're trying to describe.

1 Q. Okay. If the pump housing shown here in
2 Figure 8 were positioned below the bottom surface
3 of the rear floatable element, would the rear
4 floatable element still be positioned directly
5 rearward of the pump housing?

6 MR. LUCHSINGER: Same objection.

7 A. (Continuing) I don't know. I -- I guess
8 components of it -- like I said, you've got a
9 surface and so -- I guess it depends on how --
10 like I said, I would have to -- have to see a
11 physical, kind of, sketch of it from a rearward
12 profile to tell you a more definitive answer,
13 because what's in your mind may be different than
14 my mind.

15 So if you wanted to sketch something of --
16 you know, relative of the pump, relative to that,
17 I think I can provide you a better answer, but
18 just based off written description, I can't fully
19 understand what you're visualizing, Taylor.

20 Q. Do you see the bottom surface of the rear
21 floatable element here in Figure 8?

22 A. I see the surface where your cursor is.

23 Q. Okay. Will you agree with me that that is
24 a bottom surface of the floatable element?

25 A. Yes, I can agree with you that that is a

1 floatable element and that's the bottom surface
2 of it.

3 Q. Okay. Do you see a pump housing shown
4 here on Figure 8?

5 A. Yes. What particular component of that
6 housing are you referring to? Which surface of
7 that housing or which surface --

8 Q. The entirety of the housing.

9 A. The entirety of the housing. Okay.

10 So we got a 3D object relative to a single
11 planar object.

12 Q. Yes.

13 And if that 3D pump housing were located
14 below the plane of the bottom surface of that
15 rear floatable element, would that rear floatable
16 element be positioned directly rearward of the
17 pump housing?

18 A. The pump is in front of it or the pump is
19 behind it?

20 Q. The pump is in front of it.

21 A. All of the pump?

22 The 3D object you just -- that you have in
23 your mind --

24 COURT REPORTER: Doug?

25 A. (Continuing) Is that full 3D object --

1 COURT REPORTER: Doug? Doug? Doug?
2 Please --

3 THE WITNESS: Yep.

4 COURT REPORTER: Please slow down and
5 give me your answer again, please.

6 THE WITNESS: Yeah.

7 A. (Continuing) So that 3D object you have in
8 your mind, Taylor -- is that full 3D object below
9 the surface of the floatable element?

10 Q. It is.

11 A. So the full pump house, the full pump --
12 the full housing is below the surface -- the
13 bottom surface of the -- of the floatable
14 element.

15 Is that what you're saying?

16 Q. I'm just referring to the pump housing,
17 but yes.

18 A. Okay. And you're asking if it's directly
19 rearward?

20 Q. If the floatable element is directly
21 rearward.

22 A. In that particular scenario, where you
23 have the full 3D object of the pump and the pump
24 housing and all of that is below the -- it's
25 fully below -- vertically -- below the bottom

1 surface of the floatable element, then I would
2 say that the floatable element is not directly
3 rearward of the pump housing, as you described
4 it.

5 Q. Okay. And then, in that case, is it your
6 opinion that the vehicle in -- which has the pump
7 housing fully below the rear element would not be
8 covered by the substitute claims that require a
9 floatable element -- element to be positioned
10 directly rearward of the pump housing?

11 MR. LUCHSINGER: Objection as to form
12 and foundation.

13 A. (Continuing) No, because some of the
14 claims use a term "rearward." So "rearward" --
15 so in that particular case described, it would be
16 rearward, but not directly rearward -- rearward.

17 Q. I see.

18 And so in that case that configuration
19 would not be covered by the directly rearward
20 claims?

21 MR. LUCHSINGER: Same objections.

22 A. (Continuing) Well, what I'm -- what do
23 I -- trying to put across there is "rearward" and
24 "directly rearward" are different -- have
25 different connotations to them in the context of

1 this patent.

2 And they are used differently than the
3 claims.

4 Q. Does the '835 patent say anywhere how the
5 pump housing is arranged with respect to the
6 bottom surface of the rear floatable element?

7 MR. LUCHSINGER: Objection as to
8 form.

9 A. (Continuing) I know for sure the
10 substitute claims do.

11 I'd have to do a deeper reread on that to
12 check on the base claims.

13 Q. Okay. Can you do that.

14 A. So, specifically, you're wanting a --
15 question regards to the pump housing.

16 What -- what specific description are you
17 wanting me -- looking for, again?

18 MR. STEMLER: Nancy, could you please
19 read back my question.

20 COURT REPORTER: "Does the '835
21 patent say anywhere how the pump housing is
22 arranged with respect to the bottom surface of
23 the rear floatable element?"

24 A. (Continuing) The closest I would say I can
25 find is -- regards to specific answers to your

1 questions -- as in regards to -- and I have it --
2 would be in Column 4 of the '835 patent.

3 And it's in regards to the center of
4 gravity of the vehicle, on where it -- the pump
5 would be positioned.

6 Q. Okay. Do you want to read that portion
7 that you're referring to?

8 A. Yeah. Let me see -- find the best part to
9 start.

10 I've just got to find the best spot so I
11 am not reading too much.

12 So let's just start on -- on the '835
13 patent, Column 4. We'll start with line 15, just
14 for ease. That's the beginning of the paragraph.

15 Q. Okay.

16 A. So quote, "Location of at least the ground
17 engaging propulsion structure, the power source
18 and the fluid power pump may be selected to
19 provide a desired location for a center of
20 gravity of the vehicle. Desired center
21 location" -- "desired location for the center of
22 gravity of the vehicle may be selected to improve
23 handling characteristics of the vehicle while
24 floating. The center of gravity may be located
25 along the longitudinal centerline of the vehicle.

1 The center of gravity may be located
2 substantially in the middle of the vehicle, for
3 example at the intersection of a longitudinal
4 centerline of the vehicle and the transverse
5 centerline of the vehicle. The center of gravity
6 may be located rearward of the transverse
7 centerline of the vehicle. The center of gravity
8 may be located forward of the transverse
9 centerline of the vehicle. Thus the ground
10 engaging propulsion structure, power source, and
11 fluid pump cooperate together to improve handling
12 characteristics of the vehicle."

13 And through that I think a POSITA would
14 understand that to have a center of gravity
15 performance -- a pump is a very heavy cast-iron-
16 type component. You're going to want that
17 centered along the vehicle.

18 And relative to buoyant elements, you
19 would want buoyant elements in front of and
20 rearward of your pump itself, the way that's
21 described.

22 Q. Okay. That -- does that description tell
23 you anything about how the pump housing would be
24 positioned vertically relative to the bottom
25 surfaces of the buoyant elements, though?

1 A. Well, your question -- with regards to
2 forward or rearward, not vertically.

3 MR. STEMLER: Nancy, please read
4 that -- repeat that question again. You
5 rephrase -- you re- -- repeated it just a minute
6 ago.

7 COURT REPORTER: "Does the '835
8 patent say anywhere how the pump housing is
9 arranged with respect to the bottom surface of
10 the rear floatable element?"

11 A. (Continuing) Well, relative to the
12 floatable element itself, it would be -- you
13 would want the -- you want floatable elements
14 forward and rearward of it.

15 And in terms of the bottom surface, that
16 position -- it comes back into a perspective
17 view -- is that it's mounted along -- it's
18 mounted along that underside surface.

19 The underside surface includes -- would
20 include parts of the bottom of the floatable
21 elements, along with the structure -- the
22 structure of the frame.

23 Q. Okay. Would the pump housing be
24 positioned along the underside of the vehicle in
25 both the raised and the lowered positions?

1 MR. LUCHSINGER: Objection as to
2 form.

3 A. (Continuing) The pump in operation would
4 be immersed into a liquid-manure lagoon. The
5 floatable elements would have to be submersed and
6 the pump would be in the operating
7 position -- would be such that it would be along
8 the underside of the vehicle.

9 Q. Okay.

10 MR. STEMLER: Like to take a quick
11 break here, if that's all right with everyone.

12 MR. LUCHSINGER: Yep, that's fine.
13 We can go off the record.

14 THE VIDEOGRAPHER: We are going off
15 the record. Time now is 12:55.

16 (Recess from 12:55 p.m. to 1:03 p.m.)

17 VIDEOGRAPHER: All right. One
18 moment.

19 We are back on the record. This is the
20 start to Media No. 6. The time is 1:03.

21 Q. (By Mr. Stemler, continuing) Hi,
22 Mr. Prairie.

23 A. Good afternoon.

24 Q. During our discussion today, we've talked
25 about a couple of structures that have been

1 described in the substitute claims of the '835
2 patent, but may not be explicitly disclosed
3 or -- or, you know, stated in the text or
4 disclosed in the figures.

5 Is that right?

6 MR. LUCHSINGER: Objection as to
7 form.

8 A. (Continuing) Yeah, I -- I'll agree, we
9 talked about the '835 patent. I'll agree with --
10 to that.

11 Q. Okay. And certain structures, like, for
12 example, the lever arm mounted to the underside
13 of the vehicle, may not have been literally
14 stated in the specification of the '835 patent.

15 Right?

16 MR. LUCHSINGER: Objection to form.

17 A. (Continuing) I was -- I guess I would
18 state that they are stated in there. They talk
19 about lever structures and cylinders. And so I
20 guess I would say that there is description in
21 there.

22 Q. Right.

23 And I'm not asking you whether there's
24 written description support, but just maybe that
25 there's not literal, verbatim, verbiage stating

1 that the lever structure is connected to the
2 underside of the vehicle.

3 Is that right?

4 A. Yeah. There's nothing stating that it's
5 not, either, so...

6 Q. Okay. Is it your position that it would
7 be obvious for such a lever structure that would
8 be used to raise and lower the fluid pump to be
9 connected to the underside of the vehicle?

10 MR. LUCHSINGER: Objection as to form
11 and foundation.

12 A. (Continuing) No. I believe a -- that a
13 POSITA would understand that -- from the
14 description from the teachings of the '835
15 patent, that the teachings understand the
16 operation, that that would be a logical choice to
17 place it.

18 Q. Okay. And, based on that, are you
19 concluding there's written description support
20 for the -- for this claim in the '835 patent?

21 MR. LUCHSINGER: Objection as to
22 form.

23 A. (Continuing) I'm stating that the context
24 of the '835 patent, between the images and the
25 text -- combine that with the skills of the

1 POSITA -- could -- with the teachings of that,
2 place the lever arm around the underside and the
3 actuator along the underside to operate the pump
4 as it's described in the '835 patent.

5 MR. STEMLER: Okay. I have no
6 further questions at this time.

7 MR. LUCHSINGER: Great.

8 I don't have any other questions, either,
9 so I think that concludes the deposition.

10 The witness will read and sign the
11 transcript as it comes in. Thanks.

12 VIDEOGRAPHER: This concludes today's
13 deposition. The time now is 1:06 p.m.

14 (Discussion held off the record.)

15 COURT REPORTER: Taylor, did you want
16 a transcript made?

17 MR. STEMLER: Yeah. We'll -- we'll
18 email you, Nancy.

19 COURT REPORTER: Okay.

20 And, Brad?

21 MR. LUCHSINGER: I -- Dave, I just --
22 I just looked. We have gotten videos for the
23 other depositions. And so, yeah, we'll -- we'll
24 order a video here and a transcript as well.
25 Just standard turnaround times, I think, are

1 going to be okay for us.

2 (Deposition concluded at 1:07 p.m.)

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REPORTER'S CERTIFICATE
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I hereby certify that I reported the
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who appeared remotely before me on January, 24,
2025, and that the witness was by me first duly
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That the testimony was transcribed by me
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January 29, 2025

To: Mr. Luchsinger

Case Name: Bazooka-Farmstar v. Nuhn Industries

Veritext Reference Number: 7125876

Witness: Douglas Prairie Deposition Date: 1/24/2025

Dear Sir/Madam:

Enclosed please find a deposition transcript. Please have the witness review the transcript and note any changes or corrections on the included errata sheet, indicating the page, line number, change, and the reason for the change. Have the witness' signature notarized and forward the completed page(s) back to us at the Production address shown above, or email to production-midwest@veritext.com.

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Page 161 of 209

DEPOSITION REVIEW
CERTIFICATION OF WITNESS

ASSIGNMENT REFERENCE NO: 7125876
CASE NAME: Bazooka-Farmstar v. Nuhn Industries
DATE OF DEPOSITION: 1/24/2025
WITNESS' NAME: Douglas Prairie

In accordance with the Rules of Civil Procedure, I have read the entire transcript of my testimony or it has been read to me.

I have made no changes to the testimony as transcribed by the court reporter.

Date Douglas Prairie
Sworn to and subscribed before me, a Notary Public in and for the State and County, the referenced witness did personally appear and acknowledge that:

They have read the transcript;
They signed the foregoing Sworn Statement; and
Their execution of this Statement is of their free act and deed.

I have affixed my name and official seal
this _____ day of _____, 20____.

Notary Public

Commission Expiration Date

DEPOSITION REVIEW
CERTIFICATION OF WITNESS

ASSIGNMENT REFERENCE NO: 7125876

CASE NAME: Bazooka-Farmstar v. Nuhn Industries

DATE OF DEPOSITION: 1/24/2025

WITNESS' NAME: Douglas Prairie

In accordance with the Rules of Civil Procedure, I have read the entire transcript of my testimony or it has been read to me.

I have listed my changes on the attached Errata Sheet, listing page and line numbers as well as the reason(s) for the change(s).

I request that these changes be entered as part of the record of my testimony.

I have executed the Errata Sheet, as well as this Certificate, and request and authorize that both be appended to the transcript of my testimony and be incorporated therein.

Date

Douglas Prairie

Sworn to and subscribed before me, a Notary Public in and for the State and County, the referenced witness did personally appear and acknowledge that:

They have read the transcript;

They have listed all of their corrections in the appended Errata Sheet;

They signed the foregoing Sworn Statement; and

Their execution of this Statement is of their free act and deed.

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Date Douglas Prairie
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&	1100 161:1	54:24 59:22	22 49:3
& 2:15 6:11 78:4	112 23:21 31:10	71:12 78:23	2200 2:17
1	1169 4:14 92:4 96:18	129:1,2,3,4,6,9	23 14:24 15:4
1 5:14 49:5 66:14,17 71:12 115:13 116:6 116:10 138:17 138:23 139:1,4 139:20	11:05 101:5 11:08 101:8 11:55 136:25 137:1	129:13,17,22 129:23 130:23 130:24 131:10 133:11,13 134:12 135:18 135:20,23 136:2	24 1:15 2:2 5:3 23:4,6 47:23 48:6 160:4
1/24/2025 161:8 162:3 163:3	12 36:1 45:3 46:16 47:3 48:21 50:9	20 55:4,8,11,23 56:7,9,9,13 58:13,18 162:16 163:22 164:22	25 48:7 77:14 123:13,14 124:12
10 54:22,24	12:24 137:1,4 12:55 155:15 155:16	200 3:6 2008 78:8,9 2013 75:23 76:3 82:14 85:16	27 36:6,10,12 37:12 109:5,11 109:12
100 128:25	13 4:17 49:2	2024 14:24 15:5 36:1	28th 160:17
1001 4:10 33:23,25 34:2 41:7,18 42:7 44:11,12 45:4 47:3 50:1 60:21 66:14 109:25 137:8	14 49:3 145 82:20 83:5 84:5,6 90:4,8 93:17 100:8	2025 1:15 2:3 5:4 160:5,17 161:4	29 37:6 161:4
105 86:13	15 152:13	21 47:22 48:5 49:3	3 51:4,6,10,18 51:19 60:21,25 61:13,15 77:8 99:11 110:4 113:3,10 117:5 117:19 118:3,4 118:5 126:25 142:23,24
10996 78:10	17 116:10	2106 4:17 11:25 12:13,15 13:7,9,14 17:21 19:14 60:2 86:17	30 23:9,11,14 23:16,18 30:15 31:6,7 37:6 78:23
10:21 77:2,3	17945 160:22	216-523-1313 161:3	31 49:5
10:25 77:3,8	180 86:10,14,18		32 46:14,16 49:6 108:20
10:57 101:4,5	1820 161:2		33 4:10 46:14
11 60:21	1999 78:6		35 4:7 23:20 31:10 115:11
11,491,835 1:7 4:12,21 9:3	1:03 155:16,20 1:06 158:13 1:07 159:2		
11/13/28 160:24	2		
	2 19:14 20:2 53:18,20,21		

140:4,6	5	68 22:8	145:15 146:4
36 47:1,4,5	5 45:22,24 46:2	69 60:3,9,13	147:2,21 148:4
38 18:14 22:7,7	46:5,12,13,15	71:21 105:14	80 19:2,11 20:5
38:10 47:1,5	46:18 47:1,3	105:17	20:15 39:10
39 38:8,12	48:6 50:9,14	7	109:3 139:21
105:16	50:15,17 51:3	7 47:11 53:23	82 83:1
3d 148:10,13	51:6,8 60:21	54:2,4	835 8:24 9:1
148:22,25	61:15 67:2,6	70 60:3 105:17	10:2,18,22
149:7,8,23	67:11 68:11,16	71 66:4 105:17	11:9 12:20
4	69:5 70:13,15	105:21	13:17 16:14
4 50:20 51:12	71:11 103:5,18	7125876 161:7	17:11 21:4,10
101:8 122:23	103:21 104:4	162:2 163:2	21:11 34:2,24
122:25 123:1,2	104:11,15	164:2	34:25 39:25
123:9 130:10	106:3,5,13	729 78:5	41:3,9 42:6
130:11 152:2	115:12 116:9	79 19:1 20:5,15	43:24 46:15
152:13	116:12,21	38:10,22	47:3 49:21
40 39:9,12,15	137:4	8	50:16 53:19
109:3	50 59:13,14	8 17:11 50:23	60:14,24 61:13
41 19:1,11	53 19:8	51:15 60:16,22	61:24 62:6
20:15 36:14	5445 3:5	60:24 64:24	73:13 109:19
37:6,13,15,16	55 48:18,24,25	65:1,5,6,8	110:2 111:8
37:17,23 39:12	48:25 59:16	114:13,18	115:15,21
39:16 109:5	55402 2:18	115:1,8,13	120:4 135:8
139:21	57 19:1 20:15	116:6 117:3,15	137:15 138:15
42 4:7 35:7,11	48:25 108:18	117:18 119:7	138:17,22,23
35:12 108:14	108:20	119:18 137:9	142:25 143:24
109:9	58 19:1 48:23	137:13,17,20	151:4,20 152:2
43 36:13	59 48:18	138:1,5,17,23	152:12 154:7
44114 161:2	6	139:1,4,20	156:1,9,14
45 82:25	6 4:4 47:22	140:5,17 141:7	157:14,20,24
48098 3:7	48:4,17,22	142:12,14	158:4
	49:1 67:1 92:6	143:8,10	8:25 1:16 2:3
	97:8 155:20	144:10 145:3	5:3

9	act 66:9 105:25 162:14 163:20	ago 14:18 65:21 154:6	36:24 76:12
9 111:9	action 6:2	agree 5:12	96:13 102:2,5
96 4:14	144:20 160:14	80:15 81:21	102:19,25
965 78:5	160:15	137:13 147:23	107:10,12,16
9:14 37:10	actually 61:9	147:25 156:8,9	107:20 111:25
9:48 59:18,19	140:22,23	ahead 7:17	114:3 116:8
9:56 59:19,22	actuator 60:20	42:17 73:20	119:23 120:24
a	61:20 140:3	100:25 102:19	131:17 132:12
a.2d 78:5	142:8,9 143:16	allow 66:10	133:23 146:21
a.m. 1:16 2:3	143:17,18	106:1	147:12,17
5:3 59:19,19	144:19 158:3	allowed 74:24	149:5
77:3,3 101:5,5	additional	allows 42:5	answered 53:3
137:1	17:10,25 22:16	111:12 122:15	71:3 101:21,24
ability 114:23	22:24 23:1	alternate 61:1	124:2 139:6,23
160:7	40:10 96:3	63:3,3,6,13	143:9
able 41:17 90:3	additionally	65:12 115:4	answering 8:8
91:22 93:7,19	39:13	138:13	98:12
97:9 112:20	address 161:15	amend 4:9,20	answers 151:25
118:5 119:7	addressed	14:24 35:6	anybody 10:7
137:25	16:13 18:24	america 78:7	10:11 14:5
above 118:6,19	20:21 37:20	amphibious	anymore 122:1
119:18 161:17	advised 24:5	115:22 117:2	apologies 96:15
absolutely 29:7	affect 160:15	analysis 44:7	apologize 12:10
accomplished	affects 160:15	angle 84:8,25	109:4
61:22	affidavit 4:15	85:23	app 16:1
accordance	affiliations 6:8	angled 135:16	apparently
162:5 163:5	affixed 162:15	135:16	132:2
accurate 8:13	163:21	angles 135:6	appeal 1:2
acknowledge	afloat 112:25	angular 87:1	appeals 5:19
162:11 163:16	afternoon	answer 7:17	74:5 81:19
acronym 24:9	137:6 155:23	8:1 26:1,8	appear 44:24
24:11,12	agitator 83:8	28:21,25 29:2	45:11 162:11
	89:6	30:8,12,22	163:15

appearance 6:6 appearances 2:10,25 6:7 appeared 160:4 appears 20:21 38:2,6 42:20 44:21 45:20 47:22 48:13 68:1 93:1 94:18 96:19 98:18,21 appended 163:11,18 appendix 37:14 application 24:1 29:1 30:20 31:16 appropriate 15:25 82:1 approved 15:19 approximately 2:3 9:16,20 area 103:7 120:23 142:21 areas 20:25 128:23 arguing 81:14 argumentative 96:9 127:19 arm 62:7,16 66:9 68:25 71:20 72:9,10 72:12,13,14,19	72:23 73:6,7,8 73:10 83:24 84:7 86:23 100:7 106:1,14 115:5 143:15 156:12 158:2 arms 48:14 85:11,16,20 arranged 65:23 118:6 151:5,22 154:9 art 11:3 23:25 24:10,13,17 30:4,19,25 31:14,17 32:14 33:12 141:15 143:23 articulation 49:3,4 asked 27:11 53:3 54:18 71:3 73:17 79:24 85:18 101:21 102:14 102:18 124:2 125:15 139:6 139:23 asking 16:23 28:19,19 42:3 42:11 68:17,18 70:22 71:6 73:2,24 82:16 89:11 95:15 96:1,7,10	102:25 103:3,5 103:9,17 104:10 107:1 117:24 132:25 137:23 149:18 156:23 assembly 91:5 assessment 86:4 117:13 127:7 128:10 assignment 162:2 163:2 164:2 assistants 16:8 associated 127:14 134:13 assume 7:18 9:2 114:9 119:14 attach 72:19 attached 4:24 46:19 65:3 73:9 76:15 83:24 85:4,15 103:23 105:4,7 106:16 121:22 122:6 124:4,15 124:16 163:7 attempt 7:12 attorney 6:9,15 9:7 17:9 22:5 160:12,12 attorneys 160:14	audibly 8:1 audience 28:8 audio 5:11 29:19 69:18 authorize 163:11 automotive 126:17 available 42:14 ave 161:1 avoid 99:20 aware 16:24 53:7 74:18 75:22 76:1,13 82:12 85:3 89:4 94:8 111:8 b b 3:2 19:23,24 20:9,10,12,13 b2 4:12 back 22:7 25:3 33:1 38:12 59:21 71:4 77:7 90:12 100:1,21 101:7 103:12,16 108:14 111:24 127:20 137:3 145:13 151:19 154:16 155:19 161:15
---	---	--	---

background 27:16	87:19 89:14	109:21 110:7	bracket 48:6
baltimore 78:4	95:23 100:13	110:11,19	brad 8:25 10:9
78:5	112:12 115:10	111:10,21	13:23 14:3,9
base 62:11,18	118:3,13	112:9,21	15:22 16:5
151:12	134:14,19	113:11,17	21:14 22:6
based 55:17	138:4 140:4,6	118:15,17	27:3 29:19
58:25 62:14	141:8 146:3	120:12,17	41:24 69:22
77:24 108:12	157:12	121:4 131:12	73:21 74:3
117:13 144:6	benefit 81:4	136:8	75:20 76:18
144:10 147:18	best 7:15 8:7	boom 83:23	78:15 80:10
157:18	81:11 152:8,10	84:7 85:23	100:4 101:25
basically 54:5	160:7	86:22 100:7	102:16,21
98:1 112:16	better 50:8	bottom 18:7,11	131:15 136:19
basis 17:14	147:17	20:18 36:8	158:20
bazooka 1:4	bit 19:8 45:12	39:15 66:4	brad's 13:25
4:13,16,22	48:10 60:11	93:2,4 110:9	bradley 6:15
5:16 6:12	84:17 99:20	110:16 111:18	break 27:22
161:6 162:3	blank 52:4	118:7,20	59:12 76:22
163:3	bluchsinger 3:3	119:19 120:14	82:11 100:18
beam 68:10	board 1:2 5:19	121:2,14 122:5	100:23 136:18
69:25 70:2	boat 88:13	137:14,15	155:11
beams 127:2,16	body 20:7 39:8	145:4,17 146:4	broad 28:19,21
began 14:17	39:23 40:3,14	146:8,12,19	91:5
beginning 6:8	40:21,24 41:2	147:2,20,24	brookings 8:17
37:11,12	41:16 43:6,8	148:1,14	buoyant 110:6
152:14	46:19 47:10,13	149:13,25	110:10 118:20
behalf 2:12 3:1	49:5,13 60:19	151:6,22	119:3,3,19,25
behavior	61:18 62:2	153:24 154:9	120:1,2,15,21
132:13	63:20 64:1,9	154:15,20	129:4,6,10,14
believe 35:23	66:8 70:7,16	boundaries	129:18 130:22
42:24 51:1	71:1 74:23	112:13	131:3,3,6,10
64:16 74:1	87:2,6,14,22	box 57:1,11,12	133:12,12,15
83:21,25 84:2	88:4 105:19,24	69:12,14,25	133:16,17,19
	106:6 109:1,16	134:5	133:22,24

135:17,19,24 136:3 153:18 153:19,25	cast 153:15 cause 61:16 63:18 81:5 142:10 143:21 144:1 caused 72:23 73:2 center 152:3,19 152:20,21,24 153:1,5,7,14 centered 36:8 153:17 centerline 152:25 153:4,5 153:7,9 certain 31:18 46:9 156:11 certainty 127:12 144:8 144:14,16,25 certificate 160:1 163:11 certification 162:1 163:1 certified 2:5,5 2:6 certify 160:3 change 161:13 161:14 163:8 164:3 changes 161:12 162:7 163:7,9 characteristics 134:20,22	135:2 152:23 153:12 characterizati... 81:22 charged 160:9 160:10 check 42:15 151:12 choice 157:16 cite 61:12 cited 60:25 76:14 78:6 80:12 142:17 142:18 cites 22:10 78:12,14 citing 38:19 city 78:3,4 civil 78:23 162:5 163:5 claim 18:23 20:3,22 23:19 23:22 24:21 25:7,14,19,22 26:5,13,21 28:1 29:6,10 30:16 31:9,11 32:2,13,15,19 33:11,13,17 37:16,17,19 38:10,22 39:10 39:18 108:18 108:20 109:3,5 157:20	claimed 24:1 30:20 31:15 claims 16:14 17:6,11,25 18:20 19:1,2 19:11 20:5,15 21:4,9,19 22:16,24 23:1 37:13,22 38:3 65:10 108:16 138:16,22 139:2,2,3,7,11 139:12,16,21 139:24 150:8 150:14,20 151:3,10,12 156:1 clarify 86:13 clarifying 22:25 23:1 clear 7:12 45:3 clearly 74:21 cleveland 161:2 click 42:24 close 65:14 93:1 closer 96:3,12 closest 151:24 clr 1:24 160:23 coaching 74:15 75:8 79:6,15 102:1 132:11 column 45:22 45:24 46:2,5
c			
c 2:9 5:1 78:23 ca 161:25 call 129:15 135:25 called 57:19,21 140:7 calls 15:14 30:7 137:16 camera 5:7 captioner 2:6 capture 84:20 car 126:17 127:22,22 carriage 114:9 131:5 case 1:6 5:20 14:11,20 18:13 74:19,23 75:10 75:20 76:19 77:11 78:5,6,8 78:12 80:8 91:15 135:9 136:13,15 150:5,15,18 161:6 162:3 163:3 cases 77:14,16 78:17 80:11			

46:12,13,15 47:1,3,22 48:4 48:17,22,22 50:9,14,15 51:6,8 60:25 61:13,15 115:12 116:9 142:23,24 152:2,13 com 54:4 combination 86:4,20 100:15 combinations 41:4 combine 157:25 combustion 47:12,19 54:5 come 11:14 28:14 81:25 100:20 comes 126:16 128:1 154:16 158:11 coming 27:4 97:16 commencing 2:3 commission 160:24 162:19 163:25 164:25 communication 15:12,13	company 78:7 83:12 compared 45:9 comparison 38:5 complete 11:14 completed 161:15 completely 86:23 compliance 30:2 comply 17:15 component 53:15 68:18 88:18,21 112:7 148:5 153:16 components 20:16 55:19 89:7 111:5 112:17 114:19 125:10 127:14 147:8 comport 16:14 22:19 comprise 61:15 63:17 119:4 comprises 49:4 51:25 comprising 47:11 computer 27:4 con 14:16 63:24 67:21	concluded 159:2 concludes 158:9,12 concluding 17:14 157:19 conclusion 30:7 conclusively 127:13 conditional 4:8 35:6,6 conducted 5:6 conduit 49:6 55:4,9,11 58:13 conduits 49:3 configur 67:17 configuration 62:20 63:4,7 63:13,16 64:17 64:19,25 67:18 67:19,21 84:24 86:5 88:7,9,14 89:8,18 99:2,3 99:11 105:8 111:11 113:5 113:13,20 114:10,14 117:15 118:14 137:21 138:2,8 138:12 140:10 140:14 143:6,8 150:18	configurations 61:4 64:2,13 93:13 117:11 117:21,23 configured 61:16,21 63:18 115:2 118:4 138:14 confirm 54:3 conjunction 89:5 connect 129:9 connected 49:2 49:6,9 68:11 68:16 69:6 70:14,15 82:14 91:24 97:10,19 97:24 100:6 101:13,14,19 103:6,18,25 104:5,11,16,18 104:25 106:5 107:2 108:4 157:1,9 connection 5:8 16:9 connects 91:12 connotations 150:25 cons 22:10 consider 25:15 52:3,8,25 54:6 55:1,5,24 110:12 120:16
--	--	--	---

125:20 considered 31:18 50:6 62:24 96:22 112:8 122:7 125:19 131:11 considers 74:5 consistent 14:19 18:9 consisting 69:11 consists 110:24 111:4 127:23 constant 87:1 constructed 63:24 construction 20:3 contact 94:15 94:16 128:1 contents 14:16 19:13 context 17:2 29:17 31:6 43:19 48:11 58:7 62:6 109:22,23 150:25 157:23 continue 5:11 27:13 65:17 79:1 81:18 continued 2:25 continues 27:19	continuing 11:5,7,19 13:10 15:11 17:19 19:7,23 21:7,18,22 22:4,23 24:24 25:9 26:8,17 26:25 27:25 28:8,18 29:16 29:24 30:8 31:5,24 32:8 32:22 33:19,24 34:16 35:13 36:18,23 40:6 40:17 42:20 43:18 44:3 45:5 46:3,8 49:16 51:5 52:8 53:4 54:16 55:8,16 56:3,16 57:11 57:17 58:15,22 59:23 62:5 63:2,10 64:5 64:16,21 67:9 67:14 68:1,7 68:24 69:24 70:4,10,19 71:4,15 73:6 73:17,24 75:21 76:6 82:7 83:19 84:23 85:7,18 86:3 87:9,17,25	88:7 89:3,25 91:3 92:10 95:8 96:10,19 97:14 98:3,17 99:8,10 100:5 100:13 101:9 101:22 102:20 103:21 104:15 104:22 105:4 106:9,21 107:7 107:18,22 108:7 110:22 111:24 112:12 112:24 113:9 113:16,23 114:18 115:20 116:2,17,19 117:1,9 118:11 118:23 119:12 119:23 120:20 121:7,19 122:11 123:4,9 123:20 124:3,9 124:15 125:5 126:7 127:6,20 128:17,20 129:13 130:5 130:13,18 131:2 133:9 134:25 135:23 136:11 137:5 138:11,20 139:1,7,15,24 140:15 142:6	143:6 145:10 145:21 146:12 147:7 148:25 149:7 150:13 150:22 151:9 151:24 154:11 155:3,21 156:8 156:17 157:12 157:23 contour 53:16 contoured 52:21 contract 160:14 conversation 56:6,19 58:8 convey 23:24 30:18 conveyed 31:13 cooperate 153:11 copies 4:25 12:17,23 160:10,10 copy 11:23 12:13,15,19,19 13:11,13 49:22 137:8 corner 18:11 50:12,15 corporate 3:5 correct 8:20 9:4,5 12:14 20:23 37:24,25
---	--	--	---

84:2 90:10 125:13 corrections 161:12 163:17 correlation 79:16 80:2 cost 160:9 council 78:3,4 counsel 4:25 5:15 6:7,12 16:3 23:19 31:8 160:12,12 county 162:10 163:15 couple 12:6 43:12 61:4 63:23 79:3 155:25 course 78:23 court 5:23 6:18 7:23 11:13,17 25:4 28:13,17 29:15,18 33:6 33:9 36:19 57:6 69:17,20 78:8,17 80:12 80:23 81:1 84:14,17,20 90:23 94:24 95:2,5 98:4 99:14,19,22 103:17 123:5 129:25 130:4 134:23 140:11	145:14 148:24 149:1,4 151:20 154:7 158:15 158:19 162:7 courtroom 7:9 courts 77:18 cover 25:10 138:16,22 139:3 covered 69:25 150:8,19 coworker 14:2 crc 1:24 160:23 create 120:2 121:10 creating 69:12 crr 1:24 160:23 ct 1:16 2:3 cure 81:10 82:3 cursor 38:15 47:25 69:13 70:1 93:2 147:22 cut 27:6 cylinder 49:5,9 61:2,5 62:11 62:11 64:9 65:2 72:18 115:2,7,8,10 118:1,2 140:9 140:13,16,20 140:20,21,24 141:4,6,10,12 141:15,20,23	141:24 142:2,6 142:12 143:1 143:11,15,20 143:25 144:3,6 144:11,17,19 144:22 cylinders 66:25 156:19 d d 4:1 5:1 23:14 23:17 dakota 8:17 date 1:15 14:25 35:24,25 76:7 85:19,21 161:8 162:3,9,19 163:3,13,25 164:20,25 dates 76:9 dave 3:14 5:21 101:1 158:21 day 162:16 163:22 164:22 days 161:18 dear 161:10 december 14:24 15:4 decision 58:2 decisions 78:15 declar 64:6 declaration 4:18 8:23 10:19,23 11:9	12:1,8,9 13:17 13:20,22,24 14:1,13,15,17 14:21 15:16,18 15:21,23 16:4 16:9,12 17:20 18:3,24 19:13 20:2 22:8 23:4 31:7 37:21 60:1,3,13 61:10 64:7 66:5 71:21 76:14 82:19 85:8 86:11,17 89:15 90:8 93:18 97:1 100:9,14 105:15,17 107:9,14,24 declarations 11:20 12:5 14:20 deed 162:14 163:20 deemed 161:19 deeper 151:11 def 94:12 defin 132:10 define 72:2 112:1,5 126:1 126:1,2 defined 131:5 definitely 30:11 44:23 45:5,13
--	--	---	---

52:10 94:14 128:5,11,22 definition 63:11 70:20 132:10 142:25 definitive 146:21 147:12 degree 84:9 85:2 department 161:22 depend 30:3 dependent 25:12 26:11 28:9 depends 5:7 144:2 147:9 depict 40:6 135:12 deposition 1:12 2:1 5:5,15 8:6 8:19,22 9:11 11:22 12:3 13:1,9 33:23 35:12 42:2 55:22 56:6 57:23 58:11 77:13,25 79:5 80:21,22 96:18 132:1,6 158:9 158:13 159:2 160:4,9 161:8 161:11 162:1,3 163:1,3	depositions 80:25 158:23 depth 122:15 describe 40:22 55:18 65:11,21 67:5 71:19 72:3 73:13 104:23,25 105:18 114:18 144:14 146:25 described 23:22 24:19 25:6 30:16 31:12,19 65:7 65:8 67:10 119:13 122:19 123:4 137:14 150:3,15 153:21 156:1 158:4 describes 40:11 61:1,2,3 63:21 111:11 describing 38:3 122:22 description 16:15,18,24 17:3,7,15,23 18:21 20:14 21:3,10 22:1 22:16,20 23:15 23:17,20 24:4 24:21 25:7,16 25:21 26:5,14	26:20 28:4 29:5,12 30:3 31:1,9,21 32:3 32:18 33:16 40:7 48:13 53:10 62:14 71:6,15,17,24 108:13 116:12 116:20 118:12 130:14 134:20 143:13 144:7 147:18 151:16 153:22 156:20 156:24 157:14 157:19 descriptions 28:11 50:11 51:9 53:11 design 126:17 127:21 128:4 designed 96:20 112:25 122:12 designs 117:22 desired 152:19 152:20,21 detail 26:4 74:2 142:15,17,19 142:21 143:19 144:21 detailed 56:19 89:12 97:3 details 9:11 10:5 115:1 144:15	determine 77:24 80:12 97:23 125:22 developed 53:4 diagonal 126:24 127:1 127:16 diagram 88:20 93:11 diesel 47:12,17 differences 45:14 different 20:24 45:9,12 61:4 63:23 107:20 111:1 117:18 117:22 139:15 144:4,5 147:13 150:24,25 differently 46:9 151:2 difficult 77:17 dimensional 53:16 directly 56:12 58:13 145:6,19 147:4 148:16 149:18,20 150:2,10,16,19 150:24 disagree 74:14 75:7 79:6,19 79:21
---	--	--	--

disclose 40:23 disclosed 156:2 156:4 disclosure 143:24 discuss 13:12 28:24,24 discussed 9:12 114:25 discussing 50:15 78:21 90:17 137:19 discussion 9:10 17:22 18:21 19:10 24:13 38:7 40:9 89:19 101:15 155:24 158:14 discussions 9:13 11:21 15:7 18:9 85:9 displayed 13:14 dispute 80:5 disruption 29:20 distinctly 21:17 distorted 69:18 district 78:8,9 78:10,13,17,19 78:20,21 80:23 80:25 document 13:16 15:24	16:1 18:8 24:7 24:8 28:4 29:4 32:12 33:10,22 34:1,3,6,8,17 34:20,23 35:2 35:9,14,23 36:4,5,6,13,14 36:16,24 37:4 38:2,8,13 39:10 41:10,12 42:18,19 44:14 44:20 47:2 48:4 49:22 95:25 96:11,23 97:2,9 documentation 17:13 documents 10:17,22 12:17 doing 7:2 43:9 75:2 81:3 97:25 door 65:14 doug 51:2 84:15 94:25,25 98:8 102:19 148:24 149:1,1 149:1 douglas 1:13 2:2 4:2,18 5:15 6:21 160:4 161:8 162:4,9 163:4,13 164:20	dr 12:7,9,10,11 draft 15:15,18 15:19 135:6 drawings 60:16 drive 3:5 85:24 87:5,12,21 88:2,15,17,24 90:14,14,15,16 90:18,19 91:3 91:23 97:9,15 97:16,19,24 98:17,23 99:1 99:5,12 100:9 123:14 124:5 124:16,16 125:6 126:8 driven 61:19 duly 6:22 160:5 e e 2:9,9 4:1,15 5:1,1 earl 142:17 earlier 31:25 71:5 101:12 108:15 110:22 114:25 125:17 137:19 142:18 early 9:9 ease 152:14 easily 62:12,21 eastern 78:13 78:20	edges 134:3 135:6 effect 7:9 either 10:16 86:22 114:4 135:11 144:24 157:5 158:8 electric 143:16 electrically 61:19 element 38:21 52:20 68:15 69:3,4 70:4,6 110:23 111:7 112:5 118:17 119:3 126:22 127:7,10 128:8 128:11 129:4,6 129:10,14,18 130:22 131:7 131:10 133:11 133:12,15,16 133:17,19,22 133:24 134:12 134:19 135:2 135:17,19,24 135:24 136:3,5 136:7 145:6,18 145:21 146:1,6 146:8,14,20 147:3,4,21,24 148:1,15,16 149:9,14,20 150:1,2,7,9,9
--	--	---	---

151:6,23 154:10,12 elements 52:4 52:25 68:14 69:7,11 70:21 71:7 72:3 110:6,10,17,25 110:25 111:16 111:19 112:4 118:8,20 119:4 119:20,25 120:2,15,21 125:25 126:1,5 127:24 128:6 128:21 131:3 145:5,17 153:18,19,25 154:13,21 155:5 email 15:12 77:13 78:11 158:18 161:17 embodiment 115:4 117:19 138:13 embodiments 65:12 emphasis 20:25 employee 160:11,12 enclosed 161:11 engaging 152:17 153:10	engine 47:12,12 47:17,19 53:24 54:5,10,18,19 90:13 91:4 125:15,16 entered 163:9 entire 28:14 162:5 163:5 entirety 148:8 148:9 entitled 96:14 equipped 88:23 errata 161:13 161:18 163:7 163:10,18 164:1 especially 61:17 63:19 esq 2:13 3:2 established 127:13 establishes 74:23 everybody 100:18 everyone's 80:6 81:11 evidence 86:19 exact 14:12,25 25:18 26:12,18 28:1 29:9 32:8 32:10,13 33:10 41:13 43:4,9 56:5 58:7,10	76:9 102:18 105:13 138:3 exactly 104:24 118:4 143:11 144:14 examination 4:4 6:23 examined 6:22 example 47:12 61:19 62:7,7 72:13 101:25 127:22 153:3 156:12 examples 74:8 74:8 except 116:21 exclude 62:17 excuse 23:21 57:12 executed 163:10 execution 162:14 163:19 exhibit 4:7,10 4:14,17 11:24 11:24,25 12:13 12:15 13:7,7,9 13:14,15 17:21 18:7,25,25 19:14 33:23,25 34:2 35:10,12 35:16,17,21 41:7,18 42:3,7 44:11,12 45:4	47:3 48:21 50:1 60:2,21 66:14 86:17 92:4,6 96:11 96:16,18,24,25 109:9,25 137:8 exhibits 4:6,24 42:5 exist 117:23 existed 85:20 existing 22:15 expert 89:3,6,9 89:25 94:4,6 expiration 162:19 163:25 164:25 expires 160:24 explain 21:24 41:21,24 42:11 71:25 72:25 explained 60:17 explains 61:4 explicit 104:7 explicitly 25:13 41:5 104:23 141:11 156:2 exposed 140:22 141:21 extend 112:20 127:2 144:17 extended 140:9 140:13,16,25 141:6,25
---	---	---	---

143:20,25 extending 144:6 extends 84:7 extension 144:22,23 exterior 126:8 extract 144:22	50:17,20,23 51:3,4,6,10,12 51:15,18,19 53:18,20,21,25 54:24,25 55:12 56:10,14 58:19 60:16,22,24,24 64:24 65:1,5,6 65:8 66:14,17 66:23 67:16 71:11,12,12 74:25 93:17 99:11 110:4 113:3,10,19 114:13,18 115:1,7,8 116:12,20,21 117:3,5,15,17 117:18,19 118:3,4,5 119:7,18 122:23,25 123:1,2,9 126:25 129:1,3 129:4,5,22,23 130:10,24 133:13 135:18 136:2,13,15 137:9,13,17,20 138:1,5 139:25 140:5,17 141:7 142:12,14 143:8,10 144:10 145:3	145:15 146:4 147:2,21 148:4 figured 146:24 figures 29:4,7 29:11,25 40:6 40:7,22 49:21 50:5,16 51:9 53:9,10 108:13 115:13,17 116:6 134:21 135:1 138:17 138:23 139:1,4 139:8,17,18,20 156:4 filed 5:18 14:24 24:2 30:21 31:16 35:7 fillets 135:6 financially 6:2 160:13 find 76:18 105:12 151:25 152:8,10 161:11 finding 105:12 fine 155:12 finish 8:8 firm 6:11,16 28:21 30:8,12 53:5 71:15,17 76:12 120:24 first 15:15 38:20 45:19 82:2 95:24	160:5 five 59:12 100:23 134:7 fixed 113:25 114:2,5,7,10,13 138:12 fixedly 48:1,5 flew 65:15 float 52:9 floatable 20:7 39:8,23 40:3 40:14,21 41:1 41:16 43:6,8 52:25 60:19 64:8,8 66:8 87:2 105:24 109:1,15,16,20 110:6,10,11,17 110:18 111:10 111:15,19,21 112:9 118:7,20 119:3 126:4,5 128:21 131:11 133:10 134:12 134:18 135:2 136:8 145:4,6 145:17,18 146:1,6,8,14,20 147:3,4,21,24 148:1,15,15 149:9,13,20 150:1,2,9 151:6,23 154:10,12,13
f			
fact 79:23 fair 8:13 132:3 familiar 34:3 36:3 93:23 94:2,2 far 111:1 112:19 farmstar 1:4 5:17 6:12 161:6 162:3 163:3 farther 19:8 fashion 106:10 feature 42:5 43:1 51:22 52:2 53:14 56:25 112:5 features 52:17 federal 78:22 feedback 27:4 feel 131:16 fifth 2:16 figure 27:21 49:1 50:11,14			

154:20 155:5	28:7,12,16	119:22 120:18	113:15 115:19
float 89:6	29:23 30:7	121:5,17 122:9	116:25 117:8
floating 20:17	31:4,23 32:7	123:3,8,18	120:19 121:6
83:8,10 88:13	32:21 34:15	124:2 125:4	121:18 122:10
112:20 120:8	36:22 40:5,15	126:6 127:5,19	123:19 124:2
125:25 126:1	43:17 44:2	128:16 129:12	131:14 138:19
152:24	46:1,7 49:15	130:3 131:1,13	146:11 150:12
floats 51:25	52:6 53:2	134:25 135:22	157:11
52:17 128:24	54:15 55:7,15	136:10 138:10	four 66:22 75:4
flow 79:4	56:2 57:10,16	138:18 139:13	134:6,7
flowable	58:21 62:4	139:22 142:4	fractional
105:19	63:1,9 64:4,15	143:4 145:9,24	94:23
fluid 20:18	67:8,25 68:6	146:10 150:11	frame 38:25
47:14 49:2,3	68:23 70:3,9	151:8 155:2	51:25 52:18
49:10 50:24	70:18 71:3,14	156:7,16	69:1,1 103:8
51:16 61:17,17	73:5,23 76:5	157:10,22	103:23 104:16
61:21 63:19,19	76:17 77:19,23	formed 70:23	105:5 112:4
72:23 73:3,9	80:16 83:18	83:20 100:14	119:4 120:21
105:6 111:13	85:5 86:1 87:8	forth 23:20	121:2,15 122:5
137:17 143:2	87:16,24 88:6	31:10	123:20,21
144:1,7 152:18	89:2,23 90:21	forward 75:18	125:24,25
153:11 157:8	91:1 92:8 96:9	75:19 77:12	126:4,16,25
follows 6:22	97:13 98:7	84:7 145:22	127:3,23,24
footer 18:12	99:9,18 100:12	153:8 154:2,14	128:4,7,8,11,11
39:17	101:21 104:14	161:15	128:22,24
force 7:8	104:21 105:3	found 23:13	131:6 154:22
foregoing	106:8,19 107:6	28:2 29:10	frank 4:15
162:13 163:18	108:5 110:20	foundation	free 162:14
form 11:6,18	111:22 112:10	85:6 86:2	163:20
15:10 17:18	113:8,14,22	89:24 100:12	frivolous 78:2
19:6,22 21:6	114:17 115:19	106:8,20 107:6	80:13
21:13,15 22:3	116:1,18,24	108:6 110:21	front 7:10
22:22 24:23	117:7 118:10	111:23 112:11	11:23 12:13,16
26:7,16,24	118:22 119:11	112:23 113:8	12:18,20,22

17:1 49:23 59:1 66:8 105:24 116:19 130:19,20 146:13 148:18 148:20 153:19 full 31:6 38:1 43:19 70:20 84:1 86:3 94:3 109:22 127:6 128:10 134:20 142:15,21 148:25 149:8 149:11,11,12 149:23 fully 16:16,20 16:22 32:23 72:2 93:23 94:8,9 135:14 140:25 141:3 141:21 147:18 149:25 150:7 function 20:17 45:21 71:22 functional 122:20 functionality 72:8 86:21 further 48:11 62:6 63:11 89:19 95:15,19 134:19 158:6	g g 1:24 2:4 5:1 160:23 gaven 107:8 gea 83:22 88:25 89:4,21 90:5 92:5,12,13 94:4 general 11:11 26:9 52:1 53:8 53:8,15,16 71:6,16 77:22 82:17 127:21 134:25 135:4 136:4 142:14 generally 111:3 133:25 134:11 135:13 136:5 143:1 generates 48:17 generic 29:1 genuine 80:5 geom 145:24 geometry 141:12 142:16 144:3,4 145:24 146:24 getting 26:1 82:22 gisch 1:24 2:4 5:23 160:23	give 8:13 11:24 26:9 28:21 75:13 77:16 88:10 98:14 120:24 141:2 144:15 145:24 149:5 given 117:3 gives 141:9 giving 77:10 146:17 glass 42:21,25 go 5:12 7:17 18:13 19:7 22:6 42:17 48:24 50:9 61:9 66:1 69:22 71:4 73:20 76:22 85:10 96:2 98:23 99:25 100:24 102:19 103:4 105:16 108:14 111:24 122:18 136:21 142:15 144:21 155:13 goes 55:9 74:2 91:4 98:18,21 120:21 127:20 going 5:3 9:2 13:10 14:11,17 19:12 23:7 33:19,22 34:23	41:7 43:3 46:24 47:20 48:1,15 58:22 59:17 60:1 67:3 75:18 77:1 81:18 101:3 119:14 119:15 135:5 136:24 153:16 155:14 159:1 good 5:2 6:25 7:1,3 8:11 59:23,25 65:16 76:25 137:5 155:23 gotten 158:22 gould 2:15 6:11 governed 78:24 gravity 152:4 152:20,22,24 153:1,5,7,14 great 158:7 ground 128:2 152:16 153:9 guess 17:21 20:24 22:12 26:8 28:8 30:22 38:9,20 42:13 58:2 84:11 85:1,7 92:19 140:1 144:13 147:7,9 156:17,20
--	---	---	--

guidance 15:25	height 111:2	houle 83:23	150:3,7,10
guide 74:5	heights 111:1	88:25 89:4,21	151:5,15,21
81:20	held 158:14	90:5 92:5,10	153:23 154:8
h	hello 101:11	92:12 94:4	154:23
half 30:15	137:7	hours 9:12,14	hundred 58:25
hand 18:11	help 114:3	9:16,17,18,20	hydraulic 48:7
50:11 86:18	126:1,1,2	13:21	49:4 54:21,24
160:17	helpful 99:23	house 149:11	64:9 65:2
handling	helps 40:7	housing 20:5	123:14,16
152:23 153:11	81:10	20:19 39:7,22	124:3,12
happy 75:9	hi 101:9 155:21	40:2,13,20,25	hydraulically
77:12	high 120:4	41:15 43:5,15	38:23 61:19
hard 11:23	highlight 39:13	43:25 44:3	i
12:15,19,23	56:17,23,24	46:21 47:15	i.e. 77:22 79:2
52:21,22,22	68:13 70:5	48:9 49:8,12	identified
127:11	97:21 104:9	49:19 61:6,18	54:22 56:24
harness 3:4	highlighted	63:5,20 64:11	58:18 68:21
6:16 10:8	38:14,16 39:5	65:1 66:9	115:10 118:3
harnessip.com	39:11,14,19,21	92:16 105:25	130:23 140:4
3:3	45:21,23 49:18	108:24 109:13	identifies 54:4
head 8:2	60:6,15 63:4	109:19 111:15	74:25
131:16,20	84:7 108:19,23	111:18,19	identify 45:15
132:7,17 133:1	109:6,8,12	112:8,17 113:2	50:4 51:19
header 20:10	highlighting	114:19 118:6	52:24 66:18,24
20:12,13 39:14	46:1,4 57:1	118:19 119:1	68:17 69:2,4
39:18	highlights 46:7	119:18 120:13	92:24 123:12
heading 19:20	53:6	121:1,3,15	129:6 130:6
20:1,9 23:13	hold 132:9	122:4 145:2,7	identifying
hear 18:4 25:24	horizontal	145:15,20	56:13 88:22
33:3 81:4	84:13,25 86:6	146:7,13,19	illustrate 115:7
heard 5:9 32:22	87:20,22 88:3	147:1,5 148:3	image 59:1
heavy 153:15	88:14 97:14,16	148:6,7,8,9,13	86:6 90:9
	horizontally	148:17 149:12	92:17,19,25
	88:16	149:16,24	

93:3,5 94:1 98:19 images 29:25 109:23 157:24 immediately 20:8 55:22 58:17 immersed 91:6 91:17,19 93:8 93:21 95:18 98:24 113:2 120:8 122:12 155:4 immersible 89:22 90:6 109:14 impact 30:25 impartiality 160:15 impeller 85:25 89:22 90:6,19 91:12,24 92:3 92:3,14,15,16 92:25 93:8,20 95:17 97:10,20 97:25 98:3,24 108:25 109:13 important 7:25 8:4 impossible 77:18,24 improper 74:6 79:17 81:20	improve 152:22 153:11 inches 110:16 include 116:10 117:10,20 126:24 154:20 included 36:15 90:4 161:13 includes 38:10 44:10 125:10 154:19 including 9:22 60:16 139:17 139:18 incorporated 163:12 incorrect 12:11 independent 16:10 indicating 129:20 161:13 industries 1:8 5:17 6:17 10:12,14 161:6 162:3 163:3 inform 134:21 135:1 information 95:15,19 141:3 142:17 143:11 informed 22:6 inherently 142:9	injected 135:5 installed 91:16 instance 45:20 47:20 48:16 instances 43:12 43:14,23 instruct 102:4 instructing 131:17 insufficient 143:10 insurance 78:7 inter 55:10 interacts 55:10 interest 81:12 160:14 interested 6:2 160:13 interference 11:17 internal 36:7 47:11 54:5 internet 5:7 interrupt 79:4 interruption 140:12 intersection 153:3 intimately 36:3 introduce 33:22 introduced 13:6,9 33:23 33:25 35:12	96:18 invention 24:1 30:20 31:15 inventor 23:25 30:19 31:14 inverse 144:6 involved 14:2 iowa 78:9 ip 3:4 6:16 10:8 ipr 18:12 ipr2024-00004 1:6 4:13,16,22 5:20 iprs 80:24 iron 153:15 issue 27:15 80:11 item 54:4,24 55:8 56:9,9 67:1,2 104:15 115:11 129:13 129:17,20 135:23 ix 19:9
			j
			james 3:2 6:14 january 1:15 2:2 5:3 160:4 160:17 161:4 jets 94:18 job 71:25 joining 7:4

joint 73:11,12 73:14 judge 7:10 77:18 jurisdiction 75:12 jury 7:10	105:11 109:18 114:6 116:8 117:16 118:2,4 119:1 120:1 129:19 132:1 136:2 140:18 140:23 141:20 147:7,16 151:9 156:3	lead 129:17 leave 100:4 left 50:11,15 52:3 130:7,15 130:20,21,22 131:10 133:10 133:14 135:18 136:3,4,5,6 146:4	83:16 85:4,16 101:13,18 103:5,18,21 104:4,11,15 105:7,22 106:2 106:4,15,16 107:1 108:3 115:5 156:12 156:19 157:1,7 158:2
k	l	legal 5:24 13:23,25 15:20 15:24,24,25 16:3,21 17:5 24:7,7 30:7 76:12 161:1 164:1	lexis 78:10 life 78:7 likely 68:1 108:9,10,12 135:4
keep 20:17 21:15 74:10 75:18 76:19 kind 9:10 10:4 11:10 26:1 72:10 130:13 142:22 143:6 144:4,5 147:11 know 8:7 11:24 15:3 16:18 17:10,19 23:5 27:6,8,9,10,10 27:20 30:11 34:11,17 35:1 39:25 41:11 45:1 53:5 58:4 58:9,19,23 70:12 74:19,22 76:8 77:15 78:12 80:4,7,8 80:23 85:14 89:21 91:4 92:13 93:15 94:17 95:22 100:1 102:15	labeled 19:17 53:22 54:1 55:23 92:15 115:9 133:11 135:19 lacks 100:12 lagoon 120:9 155:4 language 15:25 17:23,24 20:4 20:14 25:14,18 26:13,18,21 28:1 29:10 32:2,10,13 33:10 39:18 57:22 77:22 139:25 large 74:22 law 6:11,16 16:15,19,25 22:10 74:19,23 75:10 76:19 77:11 80:8	letter 161:19 level 26:3 30:4 30:25 44:6 74:2 lever 46:18 48:6,14 60:20 61:23 62:1,7 62:12,16 64:10 64:24 65:4,6 65:20,22 66:6 66:11,18,21,22 67:2,5,11 68:10,16 69:5 70:13,15 71:20 72:9,9,10,12,13 72:17,19,21 73:7 75:23 76:2,15 82:14	limited 5:17 46:1,4 75:3 84:9 85:2 126:3 line 47:1 52:22 101:23 102:23 126:11 129:17 152:13 161:13 163:7 164:3 linear 60:19 61:20 140:3 142:8,9 143:16 143:17 lines 32:9 46:9 46:14 47:22 48:18 116:10 138:4 liquid 20:6 38:23 60:17

89:4,9,11 91:6 91:17 93:8,9 93:21,22 94:6 94:15 95:21 96:5,21 98:25 109:14 113:1,2 120:8,9 122:13 122:14 155:4 list 85:11 listed 23:9 76:20 81:19 163:7,17 listing 163:7 literal 156:25 literally 32:1 40:12,20 156:13 litigation 80:23 81:1 little 11:15 19:7 45:12 48:10 60:11 96:3,12 99:20 142:19 livenote 2:5 llc 1:4 5:17 6:13 local 38:19 82:22 located 8:16 58:12 66:20 92:25 93:1 118:19,19 119:18 120:16 121:1,4 123:16	123:24 124:6 124:13,22 125:1 145:6,19 148:13 152:24 153:1,6,8 location 152:16 152:19,21,21 logical 157:16 long 79:4 83:23 136:22 longer 121:16 121:22 longitudinal 152:25 153:3 look 35:18 41:14 56:12 62:9 75:19 91:9,21 93:19 96:2,12 97:2 looked 10:25 11:2,8 12:4 158:22 looking 26:2 45:3 53:11 80:21 94:1 97:8 108:15 113:3,18 114:13 118:5 119:7 129:1 130:14 137:9 141:23 151:17 looks 19:9 48:22 116:12 116:17 132:16	144:7,10 lot 141:9 louisiana 78:13 low 120:5 121:25 lower 61:5,21 66:25 72:14,19 106:3 112:13 114:22 115:2,5 121:20 122:19 122:19 127:2 130:9 141:11 142:13 157:8 lowered 111:9 111:12,14,17 112:6 113:5,13 113:19,24 114:1,5,24 119:9 120:5,13 121:13 122:3 126:9 137:21 138:1,8 141:7 141:10,17 145:3,16 154:25 lowering 61:17 63:19 117:4,6 lowers 66:12 66:19 lowest 112:7 luchsinger 3:2 6:14,15 9:7,7,8 10:8,18 11:4,6 11:16,18 15:4	15:9 17:17 19:5,21 21:5 21:12,16,21 22:2,21 24:22 25:8 26:6,15 26:23 27:8,19 28:6,12,15 29:14,22 30:6 31:3,22 32:6 32:20 33:18 34:14 36:17,21 40:4,15 41:17 41:21 42:1,10 43:16 44:1 45:2,25 46:6 49:14 51:2 52:6 53:2 54:14 55:6,14 56:1,15 57:5,9 57:15 58:14,20 62:3,25 63:8 64:3,14,20 67:7,13,24 68:5,22 70:3,8 70:17 71:2,13 73:5,16,19,22 74:13 75:7,13 76:4,16,21 77:5,9 78:16 78:19 79:12,19 79:21 80:4,19 81:21 82:5 83:17 85:5,17 86:1 87:7,15
---	--	--	--

87:23 88:5	138:18,25	making 74:15	mayor 78:3,4
89:1,23 90:21	139:5,13,22	79:17 81:18,22	mean 9:2 12:9
91:1 92:8 96:8	142:4 143:4	81:24 87:9	17:2 45:11
97:12 98:2,6	145:8 146:10	manner 66:11	58:15 65:10
98:11,14 99:7	147:6 150:11	79:2 106:2	72:10,25 76:7
99:9,17,21,24	150:21 151:7	manual 91:9	79:3 81:9 83:9
100:11 101:20	155:1,12 156:6	94:20 95:7	90:14 91:8
102:4,10,13,17	156:16 157:10	manufactured	93:12 95:21
103:20 104:13	157:21 158:7	96:20	116:3 135:14
104:20 105:2	158:21 161:5	manufacturers	138:7 142:8
106:7,19 107:5	lunch 136:18	93:12	146:18
107:15,19	m	manure 20:6	means 22:13
108:5 110:20	madam 161:10	38:24 60:18	49:3 135:15
111:22 112:10	made 74:4 78:1	83:8,10 87:1	meant 51:4
112:22 113:7	79:10 81:2	88:13 89:4,6,9	129:15 135:25
113:14,21	85:12 86:24	89:11 91:6,17	mechanism
114:16 115:18	89:14 98:3	93:9,9,21,22	124:16 144:2
115:25 116:16	106:21 107:23	94:6,15 95:18	mechanisms
116:18,24	108:11 158:16	95:21 96:6,21	142:21
117:7 118:9,21	162:7	98:25 109:14	media 5:14
119:10,21	magnifying	113:1,2 120:8	59:22 77:8
120:18 121:5	42:21,24	120:9 122:13	101:8 137:4
121:17 122:9	make 7:12,19	122:14 155:4	155:20
123:3,7,18	8:10 33:20	marked 4:6	meet 9:8 10:7
124:1,8,14	34:24 48:11	marketed	10:11 14:8
125:3 126:6	64:10 70:22	96:21	meeting 9:24
127:4,18	74:20,24 76:11	maryland 78:6	9:25 14:7
128:15,19	79:1 80:16,18	material 20:17	meetings 8:25
129:11 130:2	80:20 95:21	materials 12:21	members 13:25
130:12,17,25	99:25 117:14	matter 5:16	14:9
131:13,19,23	makes 80:6	23:22 30:4,15	memory 10:5
132:5,9,19,24	93:13	31:11,18,21	84:2
133:3,7 135:21		32:15 33:13	mentioned 9:6
136:9,20 138:9			10:1 12:12

63:13 65:20 105:6 merchant 2:15 6:11 merchantgou... 2:14 merely 78:1 merit 2:4 met 9:6,9 10:10 10:13 15:3 michigan 3:7 middle 92:19 92:23,23 153:2 midwest 161:17 164:1 mimicking 77:21 mind 33:1 103:15 145:12 147:13,14 148:23 149:8 mine 95:24 minneapolis 2:18 minnesota 2:18 78:20 minute 59:12 65:21 100:23 154:5 minutes 100:20 misleading 21:13 missing 26:21	misspoke 51:3 mn 161:25 modifications 86:24 molder 135:5 moment 59:20 77:4 101:6 137:2 155:18 monday 9:18 9:22 month 80:22 morning 5:2 6:25 7:1,2 34:22 59:23,25 motion 4:9,20 14:23 35:6 142:10 143:18 143:21 144:6 144:12 motors 48:7 123:14,16 124:4,12 125:7 126:7 mount 44:5,5 mounted 20:6 39:7,22 40:2,7 40:11,13,20,23 41:1,15 43:5 43:11,13,15,23 43:25 44:3,14 44:17,19 45:20 46:18 47:13,21 48:6,16 49:5 49:13 58:24	60:18 61:2 62:1,11,12,16 62:20 63:5 64:1,7,12 66:7 67:6,11,15,16 67:18,20,22 71:17 75:22 76:2,13 82:13 83:15 85:4 104:24 105:8 105:18,23 106:9,13,17 107:3 112:15 112:18 113:10 113:16 114:8 114:11 118:14 119:2,6,14,16 119:24 120:1 120:11 121:11 121:20 138:5 154:17,18 156:12 move 66:10 71:22 80:7 81:15 82:8 106:1 121:24 142:7,9,12 mover 38:24 moving 75:18 multiple 46:7 52:12,16,17 66:21,22 69:7 69:11 90:15 93:13 110:24	110:25 111:5,5 112:4,17 117:10,10,21 121:8,9 125:10 127:23 133:19 multitude 52:23 112:3 mute 27:9 69:23 99:25 100:1
			n
			n 2:9 4:1 5:1 name 5:21 6:14 12:11 161:6 162:3,4,15 163:3,4,21 nancy 1:24 2:4 5:23 25:2 32:25 103:15 145:12 151:18 154:3 158:18 160:23 nathaniel 4:15 nature 77:21 need 26:12 32:1 37:22 48:10 63:11 77:15 94:11,23 95:11 102:2 122:18 122:21 142:2 needs 24:19 25:5 94:9 143:25

new 78:20	47:4 130:10	54:14 55:6,14	120:18 121:5
night 34:21	161:7,13	56:1 57:5,8,9	121:17 122:9
noise 27:16	numbers 18:5	57:15 58:20	123:3,6,7,18
nonlever 64:13	163:7	62:3,25 63:8	124:1 125:3
nope 48:24	numeral 20:3	64:3,14,20	126:6 127:4,18
northern 78:9	o	67:7,13,24	128:15,19
notarized	o 5:1	68:5,22 70:3,8	129:11 130:1,3
161:14	oath 7:6	70:17 71:2,13	130:12,17,25
notary 2:6	ob 27:12	73:5,16,22	131:13 135:21
160:23 161:25	object 27:12	74:9,24 76:4	136:9 138:9,18
162:10,18	28:12 56:15	76:16 77:21,23	139:13,22
163:15,23	58:14 81:6	78:1 79:17	142:4 143:4
164:23	148:10,11,22	80:16,17 81:2	145:8 146:10
note 5:5 161:12	148:25 149:7,8	81:4 83:17	147:6 150:11
notes 12:25	149:23	85:5 86:1 87:7	151:7 155:1
13:2,4	objected 79:25	87:15,23 88:5	156:6,16
noticed 160:9	objecting 82:1	89:1,23 90:21	157:10,21
noticing 6:9	objection 11:4	90:25 91:1	objections 6:4
november 36:1	11:14,16 15:9	92:8 96:8,9	21:15,17 74:4
nozzles 49:2,10	17:17 19:5,21	97:12 98:2,6	74:6,8,10,11,16
nuhn 1:8 4:13	21:5,12,21	99:7,15,18,25	74:16,20 75:3
4:16,22 5:17	22:2,21 24:22	100:11 101:20	76:19 77:19
6:17 10:11,13	25:8 26:6,15	102:3 103:20	78:22 79:1,3,9
93:13 161:6	26:23 28:6,14	104:13,20	80:13 81:18,23
162:3 163:3	28:15 29:14,21	105:2 106:7,19	81:24 85:17
nuhn's 15:20	29:22 30:6	107:5 108:5	124:8,14
16:3 86:21	31:3,22 32:6	110:20 111:22	132:13 138:25
94:3 99:3	32:20 33:18	112:10,22	139:5 150:21
number 9:5	34:14 36:17,21	113:7,14,21	objector 77:19
11:24 13:21	40:4,15 43:16	114:16 115:18	obvious 31:19
14:12 15:6,11	44:1 45:25	115:25 116:16	32:16 33:13
18:3,4,8,10	46:6 49:14	116:24 117:7	62:24 157:7
34:11,16 35:10	52:6 53:2	118:9,21,22	obviously
35:16 39:14,14		119:10,21,22	27:12

offered 37:19	47:9,18 48:3	108:17 109:11	open 65:15
office 1:1 5:19	48:12,15,25	110:2,2 111:6	opening 20:18
official 70:23	49:7,11,20	115:12,24	operate 95:12
83:20 100:14	50:10 51:1,18	116:14,22	141:13,16
162:15 163:21	52:3 53:18,22	117:3 119:7	143:12 144:9
oh 18:5 37:17	54:1,6,21 55:4	120:10 123:12	144:17 158:3
51:5 65:16	55:11,20 56:7	124:18 125:9	operated
83:11	56:10,21 57:2	126:15,23	122:12
ohio 116:5	57:13 58:4,12	130:21 131:9	operating
161:2	59:2,10 60:8	131:21 133:17	155:6
okay 7:21 8:4	60:23 61:7,11	134:11,16	operation
8:12,21 9:6,17	61:24 63:25	136:6,17	93:23 94:3,10
9:22 10:1,7	64:11,24 65:9	137:10,19	95:6,10,16
11:12 12:1	65:19 66:2,13	140:9 141:5	99:6 113:1
13:8 16:12	66:15 67:3	142:1 143:1	120:7 155:3
18:2,13,15,23	68:3 69:10,15	145:2 146:5,9	157:16
19:3,12,25	69:22 70:6	146:21,24	operational
20:8 21:1,24	71:19 76:10	147:1,23 148:3	94:20 95:6
22:9,11,18	77:5 78:18	148:9 149:18	119:15 126:9
23:3,6,7,16	79:8 80:3	150:5 151:13	operations 94:5
24:8,18 26:12	81:16 82:4,19	152:6,15	opine 107:7
27:18 29:3,9	82:24,25 83:3	153:22 154:23	opinion 24:18
30:14,24 32:12	83:14 84:4	155:9 156:11	25:5 26:3,19
32:25 33:5	85:3,22 86:16	157:6,18 158:5	27:2 28:3 29:3
34:13,19,23	87:11 89:21	158:19 159:1	30:9,24 33:21
35:13,22 36:2	91:13 92:4,12	omit 39:17	44:7 53:6
36:2,6,12 37:1	92:14,17,24	once 34:7,9,12	63:25 64:6,17
37:8,13,17	93:7,14,19	34:18 87:17	64:18,22 65:24
38:4,12,25	96:22 97:6,18	90:24	66:5 70:20,22
39:2,9 40:12	98:16 99:4,13	ones 10:24 11:1	70:24,25 72:5
41:7 42:15,23	100:3,16	11:8 12:5,6	72:7 73:24
43:3,11,14	103:11,13	16:5 76:20	83:20 89:14
44:9,13 46:11	104:25 105:14	ongoing 14:18	100:14 105:21
46:13,20,24	106:11 108:14		106:21 107:7

107:23,23,25 108:9 121:3,12 131:9 138:15 138:21 150:6 opportunity 77:10 98:15 opposition 14:23 option 115:4 138:12 options 117:11 117:22 ord 72:6 order 24:20 25:6 26:13 29:12 32:2 41:2 95:11 141:16 142:2 142:13 144:17 158:24 ordered 160:10 ordinary 23:24 24:10,13,17 30:3,18 31:14 31:17 32:14 33:11 141:14 143:22 ori 88:15 orientated 92:3 oriented 58:19 87:5,13 88:16 91:24 97:11 99:5 100:10	orientedly 88:15 orienting 86:25 original 4:24 4:24 160:9 outcome 6:3 outside 121:9 123:21 overlap 99:20 own 12:5 21:25 71:24 75:15 81:3,10 owner 1:9 3:1 6:17 owner's 35:5 owner's 4:8,19	45:3,16,16 46:16 47:3 48:4,21 50:9 56:11 61:7,9 83:1 86:13 92:6,18,23 97:8 105:16,20 108:20 109:3,5 109:9,12 161:13,15 163:7 164:3 pages 37:6 96:3 pagination 36:8 pair 48:7 paper 35:7,11 108:14 paragraph 22:8 23:9,11 23:13,14,16,18 30:15 31:6,7 37:13,15 38:17 38:18,22 60:3 60:9,9,13 65:25 66:3,4 71:21 82:20,25 83:5 84:5,6 86:10,14,17 90:4,7,8 93:17 100:8 105:14 105:17,21 106:13,22,24 107:13 152:14	paragraphs 60:4 paralleling 80:24 pardon 28:13 29:15,18,18 36:19 57:6 69:17,17,18 84:14,14,15 90:23,23 94:24 94:24 98:4 99:16 140:11 part 52:10 54:10 55:1,19 62:21 66:4 67:23 68:8 71:10 80:11 84:6 104:2,5 110:7,10,12 115:21,22 120:2,22 121:25 123:22 124:10,10,24 125:11,16,18 125:19,20 126:8,13,18,20 127:8,16,25 128:5,8,12,13 128:20,22 131:4,4,6,7 146:13 152:8 163:9 participants 5:8
--	---	---	--

particular 14:13 28:23 33:21 52:1,2 53:13,14,14 56:25 59:8 67:21 69:2,4 88:17 89:8,14 90:1,2 91:7,15 92:2 93:24 95:10,16 97:15 97:22 99:10 103:8,8 117:25 128:3 131:17 148:5 149:22 150:15	21:10,11 22:25 23:19,23 24:20 25:6,13,18,20 26:5,12,19 28:1,3,3 29:4 30:1,5,17 31:8 31:12,20,25 32:12 33:10 34:2,24 35:1,5 40:1,11 41:3,9 42:6 43:24 46:15 47:3 49:21 50:5,16 53:19 54:3 57:20,22 60:14 60:24 61:3,13 61:25 62:6,15 62:17 63:2 65:10,11 67:14 71:24 72:1,3 73:13 74:1,1 104:22 108:8 109:19,23,24 110:2 111:8 112:12 115:15 115:21 117:17 117:25 119:13 120:4 135:8 137:15,16 138:15,17,22 138:24 139:8 139:17 140:1,6 140:7 141:8 142:18,20,25	143:14,24 151:1,4,21 152:2,13 154:8 156:2,9,14 157:15,20,24 158:4 patents 18:1 22:14 55:17 117:9,20 path 102:24 103:4 pc 2:15 6:11 pe 106:22 percent 58:25 128:25 performance 153:15 person 14:7,8 23:24 24:9,12 24:17 30:18 31:13,17 32:14 33:11 72:5,6 141:14 143:22 personal 16:11 personally 162:11 163:15 persons 160:14 perspective 50:18,20,23 51:10,12,15 123:9 129:23 137:14,17 154:16	petitioner 1:5 2:12 5:16 6:12 37:20 petitioner's 14:23 86:19 phone 15:13 161:3 phrase 116:7 116:10,14 physical 53:5 147:11 pictorially 142:22 picture 83:6,14 90:3 91:22 93:20 95:9 97:8 141:19,24 142:11 pictures 55:18 83:5 117:10,21 141:2 pit 86:21 91:20 99:3 pivot 72:15,15 73:3,7,8 83:23 85:11,20 86:20 86:21 106:14 pivotally 46:18 pivoted 75:23 76:2,7 pivoting 72:23 72:25 73:2,7 143:15 144:20
---	--	--	--

pivots 83:25 84:3 place 1:17 5:12 82:2 143:21 157:17 158:2 planar 52:20 148:11 plane 51:22 52:22 110:16 110:24 111:15 111:18,25 112:4 118:17 127:9 148:14 please 5:5 6:5 6:19 7:14 21:14 23:3,4 23:16 24:24 25:2,17 33:8 37:3 38:15 39:17 41:10,13 45:23 46:4,13 46:25 47:23 48:12,19 50:4 57:7 60:8,10 60:11 63:10 68:13 69:20,20 75:11 76:19 84:4,17 86:8 86:10 90:25 103:7 104:7 108:21 109:7 110:8 123:5 131:21 133:8 134:24 138:20	145:11 149:2,4 149:5 151:18 154:3 161:11 161:11 point 56:4 69:2 73:25 74:4 79:9 85:13 104:7,18 111:7 115:9 121:2,13 121:14 122:4,5 145:3,16 pointed 59:5 129:2 pointing 56:8 68:14 123:13 128:6 129:4,14 129:19 130:9 133:13 points 14:22 133:13 135:23 portion 15:20 42:22 61:24 70:11,13,14 71:9 91:7,11 91:19,23 97:18 97:22,23 104:4 108:3 126:24 136:11,16 142:24 146:4 152:6 portions 20:16 52:9,11,12,24 68:7 94:16 104:1,1 106:17	107:3 127:1 portrait 56:11 posa 24:12,15 posita 24:9,15 30:11,12 62:13 62:19,23 66:6 72:7 73:25 89:10 105:22 108:8 118:13 153:13 157:13 158:1 position 28:18 30:10 33:20 74:14 76:11,12 85:10,12 102:6 102:8 106:23 107:9 108:11 114:2,5,7 118:12 119:9 119:15 120:14 120:25 124:22 132:21 140:17 140:18 141:4,6 144:13 154:16 155:7 157:6 positioned 108:25 109:14 109:20 110:15 110:18 111:20 136:7 146:5,7 147:2,4 148:16 150:9 152:5 153:24 154:24	positions 154:25 possession 23:25 30:19 31:15 possibility 55:17 71:9 128:7 possible 133:4 potential 72:15 potentially 29:4 73:11 114:10 power 47:6,11 53:22,24,25 54:4,6 152:17 152:18 153:10 powered 38:23 powers 85:25 practice 74:5 81:19 139:20 practices 139:11 prairie 1:13 2:2 4:2,18 5:15 6:21,25 7:5 8:12 13:6,13 21:24 27:25 33:24 35:4 37:18 38:16 39:25 42:21 47:24 48:20 49:11,20 59:24 65:21 66:13
---	--	---	---

68:21 71:19 75:21 82:7 85:22 86:8 96:23 100:5 101:10,25 108:20 109:8 109:18 110:5 113:3 122:24 130:8 133:9 137:6 155:22 160:4 161:8 162:4,9 163:4 163:13 164:20 predominantly 84:13,25 86:6 87:20,21 88:13 preparation 11:21 12:2 13:1 preparatory 8:24 9:13 prepare 8:21 13:22 14:1 15:15 prepared 64:22 102:20,21 preparing 13:19,24 14:14 15:23 16:3,6 present 3:13 preserves 80:17 pretty 102:17	previous 12:4,6 17:12 18:1,19 56:6 58:11 111:24 primarily 14:3 principle 17:6 print 72:2 printed 12:12 prior 11:3 55:21 57:23 75:23 76:3 82:14 prism 134:2,10 134:15 prismatic 135:11 probably 9:15 74:18 75:4 77:14 131:4 problem 27:20 65:16 75:1 procedure 78:23,24 162:5 163:5 proceed 6:20 101:2 proceeding 6:5 6:17 35:8 proceedings 78:25 processing 32:23 production 72:2 161:15,17	161:22 profile 147:12 pronounced 24:16 proper 74:9,11 78:1,22 94:10 propulsion 128:1 152:17 153:10 provide 24:20 25:6 26:4,13 26:20 28:4,10 29:5,12 30:1 32:3 63:11 64:5,22 71:23 75:9 95:8 143:17 147:17 152:19 provided 15:24 18:4 61:20 64:16,21 65:25 70:19 97:4 108:13 provides 32:18 33:16 142:25 providing 7:22 107:21 ptab 78:25 pto 98:18,21 public 2:7 160:23 162:10 162:18 163:15 163:23 164:23	puck 86:25 pull 13:11 41:7 57:24 60:1 75:14 76:22 77:11 85:7 88:20 89:16 90:12 91:9 105:11 pulled 11:9 74:7 82:21 pulling 66:13 137:8 pump 20:5,6,18 39:6,22 40:1 40:13,20,25 41:15 43:4,5 43:15,25 44:3 46:21 47:14,15 48:8 49:7,12 49:18 50:24 51:16 54:21,25 55:10 60:18 61:6,6,17,18,21 63:5,19,20,25 64:5,7,11 65:1 65:1 66:9,10 71:22 72:24 73:3,9 83:14 83:15,23 84:3 84:24 85:23,24 86:22 87:1,12 88:7,19,20,25 89:4,7,8,12,15 89:18,21,22
---	--	---	--

90:1,2,5,6,13 90:19 91:4,16 92:2,5,7,10,12 92:14,16 93:4 93:9,10,12,15 93:21,24 94:9 94:14,17,19,20 95:10,12,14,16 95:21 96:6,20 96:21 97:11,15 97:17 99:2,3,4 100:6 105:6,18 105:25 106:1,1 106:17 107:2 108:4,24 109:13,14,19 111:9,13,14,14 111:17,17,19 112:6,6,8,17,19 113:1,4,10 114:8,14,19,21 114:21,23 115:3,6 117:4 117:6 118:6,14 118:18 119:1,6 119:8,13,17,23 120:5,7,13,16 121:1,3,12,15 121:20,20,24 122:2,2,4,12,15 137:18,20 138:1,5,7 141:7,16 142:3 142:13 143:3	144:1 145:2,7 145:15,19 146:5,7,13,14 146:16,19 147:1,5,16 148:3,13,17,18 148:18,20,21 149:11,11,16 149:23,23 150:3,6,10 151:5,15,21 152:4,18 153:11,15,20 153:23 154:8 154:23 155:3,6 157:8 158:3 pumping 93:9 93:22 115:22 117:2 pumps 75:22 76:1,7,13 82:13 85:4,11 85:14,15,19 89:9,11 93:13 94:3,7 purely 134:17 purple 39:5,21 108:23 109:7 purposes 126:10 pursue 102:24 pushed 83:24 put 150:23	q quality 5:6,7 quest 25:25 question 7:14 7:18 16:16 21:8 24:24 27:1 28:20 30:13,22 31:24 32:24 33:1,4 36:25 40:17 63:12 69:21 75:1,24 77:23 79:11 81:6,10 82:2,3 89:2,12 92:9 102:1,2,7 102:11,11,16 102:18,25 103:3,14,16 107:12 110:8 114:3 116:8 131:20 132:12 132:18 133:23 134:24 138:20 139:15 140:12 143:9 145:10 146:22,22 151:15,19 154:1,4 questioning 101:17 102:23 questions 7:12 27:11 79:20,24 81:25 82:17	96:13 101:23 102:15 126:12 133:1 137:23 152:1 158:6,8 quick 155:10 quickly 95:3 quite 74:22 75:24 quote 152:16 r r 2:9,13 5:1 rais 126:9 raise 61:5,21 66:25 72:14,19 106:3 115:2,5 141:11 142:3 143:2 157:8 raised 14:22 111:9,12 113:4 113:12,19,23 114:1,4,21,24 119:8 120:5 126:9 129:24 137:21 138:1,8 141:10,17 154:25 raises 66:11,19 raising 61:16 63:18 112:14 114:22 117:4,5 144:1,1 rakes 78:7
--	---	---	--

range 36:16 37:3 39:19 47:24 61:7 111:3 rate 160:10 rather 8:1 77:21 read 10:3 19:25 20:11 23:16 25:3 33:7 34:5 34:6,8,10,17,19 38:1,15 39:18 43:18 45:23 46:4,10,13,25 47:23 48:10,19 49:17 60:8 61:7 63:16 77:15 84:4 86:8,10,13 105:13 107:10 108:19 109:7 151:19 152:6 154:3 158:10 160:8 162:5,6 162:12 163:5,6 163:17 reading 33:1 39:1 103:16 108:8 145:13 152:11 161:19 ready 82:8,9 realize 15:1 96:15	really 81:11 102:13 143:19 144:21 realtime 2:5,6 rear 66:8 67:3 67:6 105:24 146:1 147:3,3 147:20 148:15 148:15 150:7 151:6,23 154:10 rearward 145:7,19 147:5 147:11 148:16 149:19,21 150:3,10,14,14 150:16,16,16 150:19,23,24 153:6,20 154:2 154:14 reason 8:6,12 161:14 163:8 164:3 reasonably 23:24 30:18 31:13 recall 10:25 11:1,5,7 13:21 14:6,12,14,25 15:6,11 16:12 18:23 34:11,16 41:4 56:3,5 57:18 58:8,10 67:14 85:19	87:9 92:1 receipt 161:18 recess 59:19 77:3 101:5 137:1 155:16 recited 23:22 30:16 31:11 reciting 140:7 recognize 13:16 recollection 58:1 record 5:3,13 6:8 8:1 23:12 37:9 45:3 59:18,21 74:21 77:2,7 81:17 86:18 101:4,7 107:15 136:21 136:25 137:3 155:13,15,19 158:14 160:7 163:9 recorded 5:10 5:14 7:23 recording 5:6 5:11 rectangle 134:1 134:15 rectangular 133:24,25 134:2,10 135:10,13,15	refer 24:9,12 34:23,25 35:1 43:14,24,24 46:20 47:14 48:8 49:7 115:24 reference 22:4 29:8 39:1 53:23 54:1,22 55:23 56:7,13 58:18 62:5 72:11 96:2 123:13 126:16 129:2,5,9 130:10,11,23 133:11 135:19 140:4 142:23 161:7 162:2 163:2 referenced 10:22 12:7 17:11 18:2 95:23 96:25 162:11 163:15 references 11:3 11:8 50:8 55:18 85:8 97:5,7 140:6 referencing 18:25 35:2 46:15 47:2 48:3 62:5 referred 4:6 41:11 49:18
--	--	--	--

55:21 59:2 61:8 100:8 referring 17:1 17:5 18:16 19:3 21:19 36:7 46:22 48:25 49:1 56:5,25 57:3 57:13 58:1,6 63:14 68:18,20 69:7 71:20 77:11 88:8,18 88:24 90:7,14 90:18 91:11 97:18,22 103:7 104:8 115:15 115:17 116:23 145:22 148:6 149:16 152:7 refers 49:9 refresh 10:4 36:24 57:25 refusing 103:1 103:2 107:16 regarding 4:19 18:20 regards 15:1 17:10,22,24 18:21 19:10 28:20 40:9 89:7,10 143:20 151:15,25 152:1,3 154:1	region 124:18 125:1 regions 50:5 registered 2:4 related 6:1 14:20 82:17 89:7 relative 61:18 63:20 71:18 87:2,5,13 111:10 142:10 143:17 146:6 146:18 147:16 147:16 148:10 153:18,24 154:11 160:11 160:12 relevant 39:20 relied 29:11 remainder 21:3 remember 10:20,24,25 32:8 82:15,16 84:12 101:15 101:16 137:22 138:3 remote 1:12 remotely 160:4 repeat 7:14 29:21 57:7 90:25 123:5 134:23 154:4 repeated 154:5	rephrase 7:14 81:5 129:7 154:5 reported 1:24 160:3 reporter 2:4,5 2:6 5:23 6:19 7:23 11:13,17 25:4 28:13,17 29:15,18 33:6 33:9 36:19 57:6 69:17,20 84:14,17,20 90:23 94:24 95:2,5 98:4 99:14,19,22 103:17 123:5 129:25 130:4 134:23 140:11 145:14 148:24 149:1,4 151:20 154:7 158:15 158:19 162:7 reporter's 160:1 represent 6:16 37:18 52:18 representation 71:16 98:20 142:14 represented 112:3 representing 5:24	request 163:9 163:11 require 20:5 150:8 required 22:19 24:4 26:4 113:25 131:24 131:25 161:25 requirement 16:15,19,25 17:16 22:1,20 24:4 30:3 31:1 31:10 114:1 reread 8:23 151:11 rereading 107:13 research 16:8 reserved 160:8 reside 8:17 110:25 resides 121:9 respect 88:3 120:6 151:5,22 154:9 respond 102:1 132:20 responds 14:22 response 132:17 133:1 rest 116:14 restate 31:5,24 40:17 51:7 63:10 106:24
---	---	--	--

138:20 145:10 result 45:16,16 resulted 79:10 results 44:18 45:6,7,9,10,18 retract 144:18 144:22,23 retracted 140:10,14,16 140:20 141:1 141:21,25 142:2 143:2,21 143:25 returned 161:18 reverse 144:11 145:22 review 10:17 10:21 11:20 17:24 36:23 37:3,5,22 41:10 42:18 75:19 97:2,3 161:12 162:1 163:1 reviewed 10:2 11:8 12:2,5,6,7 17:25 34:21 49:12 revised 4:8,19 14:23 35:5 right 7:6 18:11 20:9 23:10 27:24 32:5	37:7 42:22 44:8 45:19 49:24 52:4 56:12 58:17 59:5,12 67:4,6 72:17 75:17 76:22,24 80:24 91:20 96:17 100:18 105:10 125:13 130:7 130:15 134:9 136:23 146:3 146:15 155:11 155:17 156:5 156:15,22 157:3 160:7 rigid 73:12 rmr 1:24 160:23 robot 131:25 rod 140:21 rods 140:24 141:22 roman 20:2 rotably 46:17 rotatable 49:6 rotated 56:10 rotation 87:2 roto 135:5 rounded 135:6 row 46:16 47:4 48:5,22 61:15 rule 77:22 78:22,24 80:8	rules 162:5 163:5 run 44:19 94:21 122:15	screen 5:9 13:11,14,15 19:15 23:8 35:5 39:6,21 44:9,10,12 45:12,15 60:5 60:7,15 61:13 63:4 69:13,14 82:21 83:7 86:7 89:17 90:10 92:11 93:16,20 95:14 97:21 103:22 108:24 109:13 109:25 122:23 137:11,12 screenshot 89:17 scroll 19:12 23:3 36:12 46:24 47:20 48:15 67:3 82:20 110:4 scrolled 60:2 scrolling 35:20 38:8,12 39:9 49:20 51:18 108:18 se 72:2 111:2 seal 160:17 162:15 163:21 search 41:18 42:6,25 43:3,9 43:19 44:13,13
		s 1:13 2:2,9 4:18 5:1 6:21 160:4 161:15 163:8,8 164:3 satisfied 31:2 saying 25:24 80:9 84:21 87:3,3,11 91:21 92:1 102:21 103:3 106:4 107:22 108:2 136:16 141:18 149:15 says 20:13 50:20,23 74:8 77:17 109:18 134:14,18 141:9 144:19 scenario 28:23 149:22 scenarios 26:10 28:22 schematic 98:20 scott 14:2,3,9 15:23 16:5 22:6	

44:16,19,21 45:21 48:17 second 20:1,9 20:11 30:15 38:21 49:2,4 60:8,9,14 65:13 75:13 84:4 86:9,9 88:10 92:17 98:9 seconds 100:2 section 18:18 18:24 19:8,9 19:17,18,20 38:2 49:6 61:12 105:12 115:14 sections 20:20 20:21 104:8 see 13:13,15 19:15,17,18,19 19:23 27:14 34:1 35:9,24 36:10 38:11,18 39:5 42:16,18 44:10,12,15,16 45:5,7 53:20 53:21,22,24,24 56:7,9,9,13,22 57:3,4,11,12,17 58:12,22 60:4 60:6 65:6 66:16,17 68:15 69:7,12,14,15	69:24 70:2,4 82:5,21 83:4 92:7,10,13 94:23 96:24,25 104:10,15 115:12,14 118:1,2 122:21 122:24,25 129:1 131:15 133:10,12,14 133:16 134:6 137:11,12 140:3 147:10 147:20,22 148:3 150:17 152:8 seems 27:7,23 80:5 107:17 seen 5:8 35:14 35:23 36:4,5 92:15 95:24 segment 90:16 90:20 segments 90:15 selected 70:5 152:18,22 send 78:11 sense 7:19 8:10 34:24 80:6,18 sentence 46:20 46:25 47:14,16 47:23 48:2,5,8 48:19 60:9,14 84:5 86:9	sentences 49:16 116:9 separate 20:22 126:22 sequence 41:6 41:14 43:10 serves 84:2 service 52:21 91:8 set 23:20 31:10 37:19 50:21 51:13,21,22,22 111:1 113:25 123:10 several 74:4 81:7 127:1 133:18 shaft 85:25 87:5,12,21 88:2,15,17,24 90:14,15,16,16 90:18 91:3,23 97:10,15,16,19 97:24 98:17,21 98:23 99:1,5 99:12 100:9 shake 131:16 shaking 8:2 131:19 132:7 132:17 133:1 shape 133:25 share 13:7 35:21 42:4,4 44:9 96:12,16	sharing 109:25 sheet 161:13 163:7,10,18 164:1 shielding 55:20 55:21,24 56:4 56:14,22 57:14 57:19,21 58:6 short 59:11 82:11 100:17 136:18 shortens 86:22 shortly 74:24 show 23:7 43:10 64:24 67:16 83:15 88:21 92:14 94:20 117:5,10 135:18 136:2 showed 49:17 showing 19:15 35:4 53:18 122:23 138:13 shown 53:10,20 53:21 54:12,25 55:12 56:14 58:18 60:4,15 60:23 61:12 62:8 65:4 71:11 72:12,13 83:4,6 86:6 90:5 92:7,18 93:4,11,16 97:15 99:11
--	---	--	---

101:18 103:22 113:10 115:8 116:9 117:15 117:18,19 119:18 126:25 129:21 130:23 136:6 138:16 138:23 139:4,8 139:19,25 140:5,16,17 141:7 145:2,15 147:1 148:3 161:16 shows 50:17,20 50:23 51:10,12 51:15 65:1 67:17,17 92:5 98:19 107:16 116:12 117:3 123:1,9 129:23 137:17,20 138:1 sic 46:17 50:17 101:8 107:8 side 52:13 55:9 58:17 66:9 82:23 105:25 129:21 130:7 130:15,19,22 131:10 133:10 133:14 135:18 136:3,4,5,6 sides 52:4 128:13,17,20	131:6,7 134:1 sidewalls 134:18 sign 158:10 160:8 signature 160:22 161:14 signed 162:13 163:18 significantly 86:22 signing 161:19 similar 44:21 44:23,24 45:5 45:8,11,13,17 58:9 66:11 99:2 102:14 106:2,10,10 126:19 simple 102:10 simply 129:13 138:13 140:7 sincerely 161:21 single 110:23 110:24 111:7 111:25 112:4 118:17 127:9 148:10 sir 96:7 139:10 161:10 sitting 8:18 situation 25:11 29:1 30:13	58:8,10 114:11 120:11 122:21 situational 26:11 28:9 situations 25:11 six 9:15,17,18 9:20 134:7,9,9 134:12 size 45:12,15 sketch 147:11 147:15 skill 23:24 24:10,13,17 30:4,18,25 31:14,17 32:14 33:11 141:14 143:22 skills 157:25 slight 84:25 slightly 135:16 146:17 slow 84:15 95:3 99:19 149:4 software 42:4 solid 20:17 28:25 134:15 solutions 5:25 161:1 164:1 somewhat 146:24 son 65:14 sorry 12:10 25:23 36:13	65:18 71:12 73:20 78:4 83:7,11 86:9 88:10 101:1 111:16 114:22 sounds 8:11 76:24 source 47:6,11 53:22,25 54:4 54:7 152:17 153:10 south 2:16 8:17 southern 78:20 spans 39:11 47:24 speak 95:2 speaking 143:1 speci 33:15 specific 21:18 68:13 71:7 76:6 77:20 85:19 89:12 91:14 136:1,1 151:16,25 specifically 11:2 24:19 25:5 46:22 49:18 54:18 57:19 59:4 61:14 62:10,18 66:14 67:9,15 68:17 74:25 88:21 90:17 106:12 137:16
--	--	---	---

151:14	starting 18:18	statement	69:15
specification	23:17 38:9,22	25:10 26:10	stemler 2:13
17:8 23:23	46:16 47:4,6	83:21 87:10	4:4 6:10,11,24
25:15,19,20	47:25 48:5,22	117:14 127:20	11:19 13:10
26:22 28:2	51:8 60:14	162:13,14	21:14 25:2
29:11 30:17	61:14	163:19,19	27:3,18,23,25
31:12 32:1,17	starts 38:23	statements	29:16 32:25
32:18 33:14,15	39:6,21 49:1	28:19	33:5,8,24
40:1,19 41:2	51:6	states 1:1 4:11	41:19,23 42:9
41:12 43:24	state 2:7 6:5,7	5:18 23:18	42:15,20 46:3
60:17 156:14	23:12 24:24	25:13 31:7	59:11,23 69:19
specificity	25:17 26:11	40:1 46:17	69:22,24 74:3
77:20	37:9 40:12,20	50:14,17 60:15	75:6,11,17,21
specs 90:1	41:13 46:8	61:14 63:17	76:18,24 77:9
spend 13:19	49:12 61:25	66:5 67:15	78:14,18 79:8
105:12	62:18 81:17	77:20 84:7	79:14,20 80:3
split 74:19	82:1 104:23	86:18 108:24	80:10 81:16
spot 70:23	105:21 106:12	111:8 112:13	82:4,7 100:5
152:10	106:22 110:8	static 131:25	100:17,22
square 134:3	116:5 120:4	133:4	101:1,9 102:8
staff 16:7	141:11 156:18	stating 20:15	102:12,14
stand 33:19	160:2,23	21:16 71:8	103:15 130:5
standard	162:10 163:15	74:16 79:11	131:15,21
158:25	stated 15:22	81:17 94:1	132:3,7,16,22
standpoint	22:5 24:6 31:6	95:20 106:9	132:25 133:6,9
16:22	31:25 32:16	107:25 108:7	136:17,23
start 47:7	33:14 71:4	111:25 117:20	137:5 140:15
48:25 59:22	73:1 106:23	121:19,23,24	145:12 151:18
69:21 77:8	110:22 118:16	122:11 126:12	154:3 155:10
101:8 137:4	121:7 124:9	156:25 157:4	155:21 158:5
152:9,12,13	125:9 135:13	157:23	158:17
155:20	136:11 156:3	stay 27:9	stop 132:25
started 14:14	156:14,18	steel 68:2,3,7	stopped 27:7
51:3		68:25 69:8,8,9	27:24

street 2:16 81:9 strike 72:6 109:4 111:16 strong 79:16 structural 68:14 119:4 125:25 127:23 128:21 structure 40:10 44:4,4 46:18 52:1 58:12 60:20 61:16,23 61:23,25 62:1 62:12,24 63:18 64:10,13,25 65:2,3,4,7,20 65:22 66:7,11 66:19 67:2,6,9 67:11,22,23 68:2,3,8,11,15 68:16,25 69:1 69:5,8,9,16 70:13,14,15 71:20 72:9,16 72:20 75:23 76:3,8,15 82:14 83:16 84:1 86:21 101:13,18 103:5,8,18,21 103:23 104:2,4 104:11,15,16 105:5,8,23 106:5,13,15,16	107:1 108:4 114:20 120:20 121:13 122:3 124:5 135:14 135:15 140:19 144:3,5 152:17 153:10 154:21 154:22 157:1,7 structured 145:1 structures 66:21,23 106:3 111:5 155:25 156:11,19 subject 23:21 30:4,15 31:11 31:18,21 32:15 33:12 submerged 20:16 94:9,13 122:14 submersed 122:16 155:5 submersible 87:1 submit 35:17 96:2,11 submitted 96:16 subscribed 162:10 163:14 164:21 substantial 160:15	substantially 85:24 87:13 88:3 100:10 153:2 substitute 16:13 18:20 19:2,10 21:4,9 37:19 38:3,10 108:15 138:16 138:21 139:2,3 139:7,16,20,24 150:8 151:10 156:1 succinct 81:24 succinctly 74:17 79:2 sufficient 71:25 141:3 sufficiently 74:20 suggest 81:14 132:14 suggesting 82:2 132:2,12 suggestion 80:1 suggests 27:15 suite 2:17 3:6 161:2 summary 77:16 105:20 sundstrom 83:9,11,11,13 85:22 86:24 87:4,12 88:9	88:12 89:5 100:6 sunstrand 83:7 83:8,12 super 92:16 superior 161:1 supplies 25:21 support 17:20 17:23 18:19,22 20:4,14 21:3 21:11,22,23 22:17,24 23:2 24:21 25:7,16 25:21 26:5,14 26:20 28:5 29:5,13 30:1 31:21 32:3,19 33:16 40:8 48:14 80:8,8 86:19 114:20 139:1,8,9 140:1 156:24 157:19 supported 17:6 17:12 68:25 139:16,17 supporting 48:6 sure 16:22 39:4 41:19,23 48:11 50:13 56:20 58:25 64:10 70:10,12 75:6 84:19 92:21
---	--	---	---

93:10 94:17 95:21 102:17 116:2 129:16 134:4 140:23 151:9 surf 135:16 surface 51:21 52:2,22 53:14 53:15 56:17 57:4,11,12,14 57:17 58:23,23 59:2,3,4,9 95:14 110:9,17 111:18 118:7 118:20 119:19 120:2,3,15 122:19 127:10 129:6,9,15,18 130:22 133:10 133:14 135:5 135:11,18 136:1,3 145:4 145:17 146:8 146:12,16,20 147:2,9,20,22 147:24 148:1,6 148:7,14 149:9 149:12,13 150:1 151:6,22 154:9,15,18,19 surfaces 52:9 52:17,23 53:17 70:21 112:3 121:8,9 133:18	133:20,21 134:9,12 135:16 153:25 swear 6:19 swing 66:9 105:25 sworn 6:22 160:5 162:10 162:13 163:14 163:18 164:21 system 128:1 t table 19:12 take 5:12 12:25 13:2 37:21 57:7 59:11 81:13 98:8 99:24 100:17 113:20 117:1 127:22 132:5 136:17 143:21 155:10 taken 2:2 5:15 takes 100:1 talk 8:5,5 117:22 136:22 156:18 talked 11:10 155:24 156:9 talking 9:10 17:22 47:16 48:13 56:18 58:5 59:6	82:12 101:12 114:15 143:7 talks 18:19 115:1,13 120:7 142:16 taylor 2:13 6:10 7:1,1 8:11 16:17 21:8,19 24:25 25:23 28:18 31:24 32:23 34:25 36:25 40:18 43:20 46:9 54:17 59:25 63:12 67:10 75:25 80:19 82:9 87:10,17 88:1 89:20 90:17 91:3 95:9 103:14 107:11 110:8 131:19 133:5 137:7,12 145:25 147:19 149:8 158:15 teach 87:4 teaches 63:2,3 teachings 62:9 62:15 157:14 157:15 158:1 team 13:24,25 15:20 technical 27:15	telescoping 61:22,25 121:13 122:3 143:14 144:20 tell 35:15 43:22 45:17 90:3 91:22 93:7,20 95:17 96:5 97:9 113:4,12 113:16,18 118:5 119:8,17 123:1 127:16 130:21 137:25 140:19,21 141:3,20,24 143:11 144:13 144:16,24 147:12 153:22 160:5 tells 143:14 tendency 160:15 term 10:5 25:14,16,19,22 28:2,5,11 29:6 29:10,13 32:4 32:13,15,19 33:11,13,17 53:9 57:19,21 150:14 terms 17:1 18:23 20:22 32:2 53:5 73:25 112:13
--	---	--	---

130:6 142:22 154:15 testified 6:22 testimony 7:6,8 7:22 8:13 71:5 160:6,7 162:6 162:7 163:6,9 163:12 texas 78:21 text 19:25 20:11 29:25 38:14,15 39:5 39:11,20,20 40:12,19,22 41:11,13,18 42:6,19,25,25 45:22,23 49:11 60:6 105:13 108:19,23 109:6,8,12,23 141:2 156:3 157:25 thank 7:4 28:17 35:3 39:24 77:10 82:10 106:25 109:2 109:17 130:4 133:6 thanks 27:24 158:11 theiss 78:5 theoretically 28:10 107:3	thing 102:22 113:24 things 23:1 think 9:24 10:9 16:20 18:2 21:1,2,9 27:3 27:11,24 37:15 37:21 51:2,3 62:23 71:23,24 74:3,15,16,18 75:15 79:12,15 79:16,23 80:1 80:6,10 81:25 97:4 101:22 105:14 131:23 131:24,24 132:3,10 133:21 134:8 134:21 135:1 141:14 143:9 143:22 146:25 147:17 153:13 158:9,25 thinking 134:8 third 38:21 98:19 thirty 22:7 161:18 thorough 97:1 thought 84:12 three 53:16 75:4 134:6,7 throat 88:10	tilt 84:11 85:1 tilted 84:8 100:7 tilts 85:23 87:12 time 1:16 6:5 13:19 14:6 24:1 28:25 30:10,20 31:15 33:21 34:19 37:9,21 53:7 59:18,22 64:23 75:15 76:9 77:2,8 80:6 81:7,14 90:2 92:2 95:24 100:4,20 101:4 101:8 105:12 136:25 137:4 155:15,20 158:6,13 times 9:8 14:8 14:13 15:3,6,8 15:12 34:10,17 81:7 82:3 158:25 title 35:15 today 5:23 7:4 7:6,13,22 8:14 8:16,17 9:11 12:18,22,24 13:4 18:6,9 24:14 155:24	today's 8:6,22 11:21 12:3 13:1 158:12 together 13:12 14:4 153:11 took 82:11 tool 44:13 top 39:15,16 50:15 92:22,22 92:24 93:5 topic 15:2 29:8 38:6 58:9 82:18 101:16 137:24 totally 80:2 touch 129:17 towards 93:2,4 tractor 97:17 98:19,20,22 trademark 1:1 5:18 train 124:16 126:8 transcribed 160:6 162:7 transcript 4:25 57:25 77:25 80:21,22 158:11,16,24 161:11,12 162:5,12 163:5 163:11,17 transverse 153:4,6,8
--	---	--	--

trial 1:2 5:19 74:5 81:19 troy 3:7 true 160:7 truth 160:5 try 27:21 44:7 100:3 133:3 trying 27:9 80:12,20 146:25 150:23 tstemler 2:14 tube 58:22 71:9 tubular 68:25 69:9 tuesday 9:24 turn 109:3,5 turnaround 158:25 turning 45:19 twice 34:13 two 12:23 15:8 19:19 20:20,20 20:21 36:20 57:7 80:16 81:9 90:24 98:5 110:16 134:6,6 type 29:1 42:25 62:24 72:3,15 72:15 73:13 88:14 135:14 135:15 153:16 typically 126:20	u u.s. 1:7 4:21 22:10,10 78:8 78:9,17 u.s.c. 23:21 31:10 unable 28:20 97:23 118:1,18 133:23 139:10 141:24 under 7:6 19:20 20:2,8 23:11,13,14,20 31:9 38:6 53:17 55:2 58:13,15,16 78:22 83:5 110:13,13 112:2 underbody 110:23 112:1,2 undercarriage 51:23 53:9 54:11 55:2 62:22 68:9 71:18 110:13 112:2 119:5 120:23 126:21 128:22 131:8 underneath 20:10 55:22 underside 20:7 39:7,22 40:2	40:13,21,23 41:1,16 43:6,7 49:13 50:6,18 50:22,24 51:11 51:13,16,20,21 51:23 52:5,10 52:15,19 53:1 53:9,11,13,17 54:7,8,10,13,19 54:23 55:1,2,5 55:13,19,25 59:3,9 60:18 62:1,13,22 63:6 64:1,8,12 66:7 68:4,8,11 70:6,16 71:1 71:10 101:14 101:19 103:6 103:19,25 104:2,5,19 105:1,9,18,23 106:5,18 107:4 108:25 109:15 109:20 110:6,7 110:11,14,18 111:3,4,20 112:1,8,16,16 112:18 113:11 113:17 114:8 114:12 118:15 118:16,24,25 119:2,5,16,24 120:12,17 121:4,8,10,11	121:16,21,22 121:25 122:7 123:11,17,22 123:24 124:6 124:11,13,18 124:20,23,24 125:2,6,7,9,12 125:17,19,21 125:23 126:2,3 126:13,18,23 127:8,15,17,25 128:5,8,12,14 131:5,11 136:7 137:18 138:6 154:18,19,24 155:8 156:12 157:2,9 158:2 158:3 understand 7:5 7:11,13,21,25 8:3 14:21 16:21 23:18 24:11,16 25:20 25:24,25 31:8 31:20 32:17 33:3,4,15 36:15 44:6 49:21 55:8 57:13 58:5 62:14,19 65:22 74:12 79:11,24 81:1 88:23 95:11 110:5,9 112:19 116:2

117:5 131:20 134:11 138:11 141:15 142:11 147:19 153:14 157:13,15 understandable 79:2 understanding 16:16 21:7,25 22:12,13,18,23 24:3,6 26:25 32:24 75:24 83:19,22 86:5 88:12 104:24 112:24 113:6,9 115:16,20 116:22 122:17 130:18 141:5 142:1 144:11 145:5,18 understood 7:18 32:15 33:12 66:6 72:8 105:22 143:23 undersurface 120:22 128:23 131:8 unit 5:14 98:22 united 1:1 4:11 5:18 universal 25:10 unmute 27:12	unprofessional 132:15 unspecified 77:19 upper 42:22 50:11 112:13 142:24 upwards 142:3 use 16:1 18:6 18:10 24:8,11 26:12 32:1,13 33:10 43:1 58:3 115:5 116:6,14 150:14 used 16:8 29:7 32:9,11 41:2,5 41:12 42:19 43:23 44:5,13 57:22 73:1,14 80:25 89:5 102:15 105:7 106:15 109:24 114:18 141:10 151:2 157:8 uses 25:18 144:19 using 42:4 53:8 53:9 57:22 62:12 63:22 64:9,9,13 122:3 utilize 65:24 125:24 139:7	utilized 61:5 62:8 72:4,18 117:12 139:25 v v 4:13,16,22 161:6 162:3 163:3 vague 21:13 40:16 52:7 56:2 63:1,9 64:4,15 67:25 68:6 73:19,23 74:9 76:5,17 81:5 83:18 88:6 90:22 91:2 96:9 105:3 113:22 118:10 119:11 127:5 128:16 139:14 142:5 143:5 vagueness 79:9 80:17 valid 23:19 31:9 validity 77:18 various 78:12 vehicle 20:7,16 39:8,23 40:3 40:14,21,24 41:1,16 43:6,8 46:19 47:10,13 49:5,10,13	50:6,7,19,21,22 50:25 51:11,13 51:14,17,20,23 52:4,5,10,12,18 53:1,12 54:7,9 54:10,13,20,23 55:2,3,5,13,25 59:3,9 60:19 60:21 61:15,18 61:20,23 62:2 62:13,22 63:6 63:17,20 64:1 64:8,10,12 65:23 66:8 67:4,12,22,23 68:4,9,12 70:7 70:16 71:1 75:22 82:13 83:4,15 87:2,5 87:14,22 88:4 100:7 101:14 101:19 103:6 103:19,24 104:3,6,12,17 104:19 105:1,5 105:7,9,19,24 106:6,17,18 107:4 108:3 109:1,16,21 110:7,11,19 111:4,10,21 112:7,9,20,25 113:11,17 114:9,12
--	---	--	--

115:17,23,24	153:12,17	160:4	waived 161:19
116:7,11,13,15	154:24 155:8	videographer	want 18:6,8
116:20,23	156:13 157:2,9	3:14 5:2,22	28:24 35:17
117:2,21	vehicles 76:2	6:18 59:15,17	44:7 46:8 47:4
118:15,16,25	76:14 85:3,15	59:20 77:1,4,6	47:7 56:16
119:2,5,16,24	verbatim	100:24 101:3,6	58:3 67:10
120:6,12,17	156:25	136:24 137:2	75:10 81:13
121:4,11,15,16	verbiage	155:14,17	85:7 91:9
121:21,23	156:25	158:12	92:20 95:20
122:6,8,13,18	veritext 5:24	videos 158:22	96:1,11 100:20
122:20 123:10	161:1,7 164:1	view 30:11	105:16 132:19
123:11,17,20	veritext.com.	31:19 50:18,21	132:22 146:22
123:21,23,25	161:17	50:23 51:10,12	152:6 153:16
124:7,11,13,19	vers 78:7	51:16 54:8,8,9	153:19 154:13
124:21,23,25	version 114:14	56:11 70:11	154:13 158:15
125:2,6,8,10,12	versus 5:17	91:5,16,17,18	wanted 38:25
125:17,19,21	35:18 78:3,5	94:23 118:25	44:6 147:15
125:23,23	vertical 68:10	123:10 129:23	wanting 41:14
126:2,3,4,14,17	85:24 87:22	137:14,17	151:14,17
126:19,19,21	98:23 99:1,3	154:17	wants 107:19
126:23,24	99:12 111:2	viewing 75:19	wasting 75:15
127:15,17,21	134:17,17	views 71:5	way 23:23
127:24 128:3,4	vertically 58:19	virtually 5:6	30:17 31:13
128:13 129:21	86:25 87:4,13	visualizing	62:20 81:9
129:24 130:7	91:25 99:4	147:19	100:8 131:18
130:16,19	100:10 127:2	voices 36:20	132:11,20
131:12 135:2	149:25 153:24	57:7 90:24	144:25 153:20
136:8 137:14	154:2	98:5	ways 63:23
137:18 138:6	vi 19:17,18,20	vs 1:6	we've 80:5
138:16,22	20:3	w	102:22 134:9
139:4,11,19	video 1:12 5:11	wait 8:7 77:6,6	155:24
150:6 152:4,20	5:14 158:24	77:6	web 42:22
152:22,23,25	videoconfere...		week 8:25 9:9,9
153:2,4,5,7,9	1:17,25 2:1,10		9:16,20 10:10

10:14,15,16 13:3 welcome 43:1 weld 69:1 welded 68:2,3,7 69:8,15 103:23 104:1,16 105:4 went 101:22 wheel 46:17 67:4,6 68:24 101:13 124:4,4 124:9 130:6 wheels 46:23 48:14 50:21 51:13 62:8 66:12,19,22 67:1 72:14 106:3 123:10 123:15 124:10 124:17,20,24 125:5,11,18,20 126:7,13,18,20 127:14,24 129:24 white 4:15 wide 65:15 winkel 12:10 12:11 winkel's 12:9 winkler's 12:7 wisconsin 2:7 160:2,23 wish 102:24 103:4 105:11	105:13 106:24 107:10 witness 4:2 5:9 6:19 33:2 41:17,20,22 42:6,11,17 59:13,16 73:20 75:18 79:7,10 79:12,15,18,23 84:16,19,22 95:1,4 98:10 98:13,16 100:3 100:19 102:5 107:16,20 131:17 132:11 149:3,6 158:10 160:5,7,17 161:8,11 162:1 162:4,11 163:1 163:4,15 witness' 161:14 wondering 26:3 27:5 word 38:5,5 41:18 43:9,11 43:13,23 44:14 44:17,19,24,24 44:25,25 45:20 47:21 48:16 73:1 116:19 words 15:19 16:1 21:25 32:9 40:25 41:5,5 43:4	67:10 75:4,4 79:3 84:23 87:18,19 102:16 work 14:1 15:22 16:10,11 44:7 83:12 136:19 worked 8:23 13:23 14:3 15:18 working 15:17 16:2,6 worries 65:19 write 15:20 84:10 written 16:15 16:18,24 17:3 17:7,15,23 18:21 20:4,14 21:2,3,10,22,23 22:1,15,16,20 23:14,17,20 24:4,20 25:7 25:16,21 26:4 26:13,20 28:4 28:11 29:5,12 29:24 30:2 31:1,9,20 32:3 32:18 33:16 143:13 147:18 156:24 157:19 wrong 82:6	x x 4:1 y yackey 15:4 yeah 9:24 12:10 17:9 18:5,10 35:19 36:3 37:15 38:17 49:25 51:5 63:10 65:18 72:10 73:22 74:18 84:11,22 96:25 99:17 100:20 103:11 105:17 136:20 141:18 142:8 146:1 149:6 152:8 156:8 157:4 158:17,23 year 14:18 yep 50:3 60:12 82:25 84:16 90:11 95:1 98:10,13 149:3 155:12 yesterday 9:12 9:18,18,23,25 york 78:20 young 3:14 5:21
---	--	--	---

z	
zoom	1:12 2:2 14:7,10 15:13 39:3 56:16 60:11 103:7 108:21
zoomed	103:11
zooming	56:20

Minnesota Rules of Civil Procedure

Part V. Depositions and Discovery

Rule 30

Rule 30.05 Review by Witness; Changes; Signing

If requested by the deponent or a party before completion of the deposition, the deponent shall have 30 days after being notified by the officer that the transcript or recording is available in which to review the transcript or recording and, if there are changes in form or substance, to sign a statement reciting such changes and the reasons given by the deponent for making them. The officer shall indicate in the certificate prescribed by Rule 30.06(1) whether any review was requested and, if so, shall append any changes made by the deponent during the period allowed.

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE STATE RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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