

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE DISTRICT OF DELAWARE

3  
4    MASCHIO GASPARDO S.p.A.,

5           Plaintiff / Counterdefendant

6           v.

C.A. No. 22-1394-  
RGA-JLH

7    PRECISION PLANTING LLC,

8           Defendant / Counterclaimant.

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10  
11                   Videotaped hybrid deposition taken in  
                    Amsterdam, Netherlands,  
12           at Hogan Lovells International LLP, Atrium -  
North Tower, Strawinskylaan 4129, Amsterdam 1077 ZX  
13                   of BERND SCHEUFLEER,  
                    on April 11, 2024  
14                   at 3:28 p.m. Netherlands time

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23  
24    Taken in person by:

25    Court reporter:  SHERRY YAN, RPR, CSR 14442

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| <div> <div>Page 2</div> <div> <div>1</div> <div>IN-PERSON APPEARANCES:</div> <div>2</div> <div>HOGAN LOVELLS INTERNATIONAL LLP</div> <div>3</div> <div>Atrium - North Tower</div> <div>4</div> <div>Strawinskylaan 4129</div> <div>5</div> <div>Amsterdam 1077 ZX</div> <div>6</div> <div>The Netherlands</div> <div>7</div> <div>Mr. Django Wagenaer</div> <div>8</div> <div>django.wagenaer@hoganhovells.com</div> <div>9</div> <div>Mr. Tom van Duuren, Partner - Civil Law Notary</div> <div>10</div> <div>tom.vanduuren@hoganhovells.com</div> <div>11</div> <div>HOGAN LOVELLS INTERNATIONAL LLP</div> <div>12</div> <div>Kennedydamm 24</div> <div>13</div> <div>40476 Düsseldorf</div> <div>14</div> <div>Dr. Marcus Schönknecht</div> <div>15</div> <div>marcus.schoenknecht@hoganlovells.com</div> <div>16</div> <div>+49 211 13 68 499</div> <div>17</div> <div>Also present:</div> <div>18</div> <div>Ms. Miquela van der Tak, P.A.</div> <div>19</div> <div>Manuela Degenkolb, Interpreter</div> <div>20</div> <div>Eva Bodor, Interpreter</div> <div>21</div> <div>Pat Kirk, Videographer</div> </div> </div> | <div> <div>Page 3</div> <div> <div>1</div> <div>REMOTE APPEARANCES:</div> <div>2</div> <div>On behalf of Defendant</div> <div>3</div> <div>HOVEY WILLIAMS LLP</div> <div>4</div> <div>10801 Mastin Boulevard, Suite 1000</div> <div>5</div> <div>84 Corporate Woods</div> <div>6</div> <div>Overland Park, Kansas 66210</div> <div>7</div> <div>by: Mr. Matthew B. Walters</div> <div>8</div> <div>Phone: (913) 647-9050</div> <div>9</div> <div>On behalf of Plaintiff</div> <div>10</div> <div>DEVLIN LAW FIRM LLC</div> <div>11</div> <div>1526 Gilpin Avenue</div> <div>12</div> <div>Wilmington, Delaware 19806</div> <div>13</div> <div>by: Mr. Peter A. Mazur</div> <div>14</div> <div>On behalf of Plaintiff</div> <div>15</div> <div>STRADLEY RONON STEVENS &amp; YOUNG LLP</div> <div>16</div> <div>30 Valley Stream Parkway</div> <div>17</div> <div>Malvern, Pennsylvania 19355-1481</div> <div>18</div> <div>by: Mr. Kevin R. Casey</div> </div> </div> |
| <div> <div>Page 4</div> <div> <div>1</div> <div>WITNESS</div> <div>2</div> <div>BERND</div> <div>3</div> <div>SCHEUFLEER</div> <div>4</div> <div>Mr. Walters</div> <div>5</div> <div>Mr. Mazur</div> <div>6</div> <div>Mr. Walters</div> <div>7</div> <div>E X H I B I T S</div> <div>8</div> <div>SCHEUFLEER</div> <div>9</div> <div>Number</div> <div>10</div> <div>Exhibit 1</div> <div>11</div> <div>Exhibit 2</div> <div>12</div> <div>Exhibit 3</div> <div>13</div> <div>Exhibit 4</div> <div>14</div> <div>Exhibit 5</div> <div>15</div> <div>Exhibit 6</div> <div>16</div> <div>Exhibit 7</div> <div>17</div> <div>Exhibit 8</div> <div>18</div> <div>Exhibit 9</div> <div>19</div> <div>Exhibit 10</div> <div>20</div> <div>Exhibit 11</div> <div>21</div> <div>Exhibit 12</div> <div>22</div> <div>Exhibit 13</div> <div>23</div> <div>Exhibit 14</div> <div>24</div> <div>Exhibit 15</div> <div>25</div> </div> </div>                                                                                                                                                                                           | <div> <div>Page 5</div> <div> <div>1</div> <div>(cont...)</div> <div>2</div> <div>SCHEUFLEER</div> <div>3</div> <div>Number</div> <div>4</div> <div>Exhibit 8</div> <div>5</div> <div>Exhibit 9</div> <div>6</div> <div>Exhibit 10</div> <div>7</div> <div>Exhibit 11</div> <div>8</div> <div>Exhibit 12</div> <div>9</div> <div>Exhibit 13</div> <div>10</div> <div>Exhibit 14</div> <div>11</div> <div>Exhibit 15</div> <div>12</div> <div>Exhibit 16</div> <div>13</div> <div>Exhibit 17</div> <div>14</div> <div>Exhibit 18</div> <div>15</div> <div>Exhibit 19</div> <div>16</div> <div>Exhibit 20</div> <div>17</div> <div>Exhibit 21</div> <div>18</div> <div>Exhibit 22</div> <div>19</div> <div>Exhibit 23</div> <div>20</div> <div>Exhibit 24</div> <div>21</div> <div>Exhibit 25</div> <div>22</div> <div>Exhibit 26</div> <div>23</div> <div>Exhibit 27</div> <div>24</div> <div>Exhibit 28</div> <div>25</div> </div> </div>                            |

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| <p style="text-align: right;">Page 6</p> <p>1 VIDEOGRAPHER: We are on the record at 15:28.<br/> 2 MR. VAN DUUREN: Good afternoon, everybody.<br/> 3 We are here together in Amsterdam, the Netherlands. It<br/> 4 is the 11th of April. My name is Tom van Duuren, Civil<br/> 5 Law Notary, Amsterdam, The Netherlands. Business<br/> 6 address, Strawinskyiaan 4129, Amsterdam.<br/> 7 We are here for the deposition of Mr. Bernd<br/> 8 Scheufler. People in the room are Manuela Degenkolb and<br/> 9 Eva Bodor, Interpreters; Sherry Yan, Court Reporter; Mr.<br/> 10 Marcus Schönknecht and Mr. Django Wagenaer; lawyers with<br/> 11 Hogan Lovells; Ms. Miquela van der Tak, P.A.; and Pat<br/> 12 Kirk, Videographer.<br/> 13 I will start by swearing in Mr. Bernd<br/> 14 Scheufler.<br/> 15 //<br/> 16 //<br/> 17 WHEREUPON,<br/> 18 BERND SCHEUFLER,<br/> 19 having been first duly sworn/affirmed by Mr. Tom van<br/> 20 Duuren, Partner - Civil Law Notary, Hogan Lovells, was<br/> 21 examined and testified as follows:<br/> 22<br/> 23 MANUELA DEGENKOLB,<br/> 24 Interpreter, was duly sworn/affirmed by Mr. Tom van<br/> 25 Duuren, Partner - Civil Law Notary, Hogan Lovells, to</p> | <p style="text-align: right;">Page 7</p> <p>1 translate the testimony from English to Germany and from<br/> 2 Germany to Spanish, to the best of her ability:<br/> 3<br/> 4 EVA BODOR,<br/> 5 Interpreter, was duly sworn/affirmed by Mr. Tom van<br/> 6 Duuren, Partner - Civil Law Notary, Hogan Lovells, to<br/> 7 translate the testimony from English to Germany and from<br/> 8 Germany to Spanish, to the best of her ability:<br/> 9 MR. WALTERS: For the record, my name is Matt<br/> 10 Walters. I am with the Law Firm Hovey Williams, and I<br/> 11 am here today on behalf of Precision Planting, and if<br/> 12 the other counsel want to introduce themselves, will you<br/> 13 please do so.<br/> 14 MR. MAZUR: Peter Mazur, from Devlin Law Firm.<br/> 15 I am here on behalf of Plaintiff Maschio Gaspardo.<br/> 16 MR. CASEY: Kevin Casey. I am with the Law<br/> 17 Firm of Stradley Ronon, and I too, like Peter, represent<br/> 18 Maschio Gaspardo.<br/> 19<br/> 20 EXAMINATION<br/> 21 (All answers through interpreter unless otherwise<br/> 22 noted.)<br/> 23 (The following is interpreted by Interpreter Ms. Bodor)<br/> 24 BY MR. WALTERS:<br/> 25 Q. Mr. Scheufler, will you please state and spell</p> |
| <p style="text-align: right;">Page 8</p> <p>1 your name for the record?<br/> 2 A. S-c-h-e-u-f-l-e-r.<br/> 3 Q. Today if I ask you a question that is unclear,<br/> 4 will you ask me to clarify it?<br/> 5 A. No problem.<br/> 6 Q. Will you answer questions audibly using your<br/> 7 voice?<br/> 8 A. Yes.<br/> 9 Q. If you need more information to answer a<br/> 10 question today, will you please ask me for that<br/> 11 information?<br/> 12 A. Of course.<br/> 13 Q. And if I use a term you don't understand, will<br/> 14 you please tell me?<br/> 15 A. Yes.<br/> 16 Q. Do you have any health conditions or<br/> 17 medications that might impair your ability to answer my<br/> 18 questions fully and truthfully today?<br/> 19 A. No.<br/> 20 Q. Do you have any hesitation in answering any of<br/> 21 the questions today fully and truthfully?<br/> 22 A. I shall.<br/> 23 Q. Okay. I mark -- and I believe there are paper<br/> 24 copies there -- as Exhibit 1, a Notice of Deposition of<br/> 25 Bernd Scheufler.</p>                                                                                                                                                             | <p style="text-align: right;">Page 9</p> <p>1 (Exhibit 1 marked.)<br/> 2 I have shared that document on my screen to<br/> 3 orient the witness.<br/> 4 Do you have that document there in front of<br/> 5 you?<br/> 6 A. Yes.<br/> 7 Q. This is a deposition notice for your<br/> 8 deposition today. Are you appearing today voluntarily?<br/> 9 A. Yes.<br/> 10 Q. Mr. Scheufler, what city or country do you<br/> 11 live?<br/> 12 A. I live in Germany, in a town called Haßbergen,<br/> 13 in the Vicinity of Osnabrück.<br/> 14 Q. Have you familiar with a company called<br/> 15 Amazonen-Werke H. Dreyer?<br/> 16 A. Yes, very well.<br/> 17 Q. If I refer to that company just as Amazonen,<br/> 18 will you understand that I am referring to that full<br/> 19 company name?<br/> 20 A. Yes.<br/> 21 Q. What does Amazonen do as a business?<br/> 22 A. Amazonen makes agricultural machines.<br/> 23 Q. So they manufacture, market, and sell those<br/> 24 agricultural machines?<br/> 25 A. Yes.</p>                                                                                                                                                                                                                    |

Page 10

1 Q. In what country does Amazonen market and sell  
2 its agricultural machines?  
3 A. They are export orientated these, European, in  
4 Southern and Northern America.  
5 Q. Where is Amazonen based?  
6 A. The headquarters are in Haßbergen and  
7 Osnabrück.  
8 Q. And have you worked for Amazonen?  
9 A. Yes, for 30 years.  
10 Q. When did you begin your work for Amazonen?  
11 A. 1983.  
12 Q. And when did you stop working for Amazonen?  
13 A. 2010. So the 30 years are not quite correct.  
14 Q. And did you retire from Amazonen or did you  
15 seek employment elsewhere?  
16 A. I first became independent, and then I became  
17 a professor at the University of Osnabrück -- University  
18 for Applied Sciences in Osnabrück.  
19 Q. During your time at Amazonen, what were your  
20 various job positions?  
21 A. I was working on management level, and I was  
22 responsible for Product Innovation.  
23 Q. Were you ever Head of Development for Customer  
24 Service and Product Management at Amazonen?  
25 A. Yes.

Page 12

1 Q. BY MR. WALTERS: And Amazonen sold precision  
2 seeders while you were employed there; correct?  
3 A. Yes.  
4 Q. And when I say precision seeder, I am  
5 referring to not the company Precision Planting who I  
6 represent, but just precision as in precise in its  
7 placement.  
8 Do you understand that today?  
9 A. Yes.  
10 Q. And do you know generally how long has  
11 Amazonen been in the business of manufacturing,  
12 marketing, and selling agricultural equipment including  
13 seeders?  
14 A. From around 1990 on.  
15 Q. I would like to turn to Exhibit 2, which you  
16 should have there before you, but I am going to show on  
17 the screen for your reference, and I would like to mark  
18 this as Exhibit 2 to your deposition. This is Bates  
19 labelled Precision 3911118 through 3911128.  
20 (Exhibit 2 marked.)  
21 Do you have this document before you?  
22 A. I don't have the Bates number here, but it  
23 doesn't matter.  
24 Q. For your reference, the Bates number should be  
25 located in the bottom right-hand corner of the document.

Page 11

1 Q. Do you remember what years you were in that  
2 position?  
3 A. 10 to 15 years.  
4 Q. In your time at Amazonen, did they  
5 manufacture, market, and sell seeders?  
6 MR. MAZUR: Objection to form.  
7 THE WITNESS: Yes.  
8 Q. BY MR. WALTERS: Other than seeders, what  
9 other general type of agricultural equipment did  
10 Amazonen sell?  
11 A. So we sold machines for fertilizers, seeders,  
12 cultivators, and sprayers.  
13 Q. Are you familiar with a agricultural equipment  
14 referred to as a precision seeder?  
15 MR. MAZUR: Objection to form.  
16 THE WITNESS: Yes, I am familiar with them.  
17 Q. BY MR. WALTERS: Without going into great  
18 detail, how do precision seeders work?  
19 A. So on such a machine, for example, maize will  
20 be placed on a disc, and then they were replaced at a  
21 certain determined distance from each other.  
22 Q. And do those machines use a vacuum or a air  
23 suction to help pick up seeds for their placements?  
24 MR. MAZUR: Objection.  
25 THE WITNESS: Yes.

Page 13

1 INTERPRETER: There would be a yellow marking,  
2 and the witness said it's not yellow.  
3 Q. BY MR. WALTERS: But you do have this document  
4 in front of you?  
5 A. Yes.  
6 Q. Do you recognize this document?  
7 A. Yes.  
8 Q. What is this?  
9 A. These are information about my career, my  
10 professional career.  
11 Q. Is this a true and accurate copy of the  
12 Declaration that you signed?  
13 A. Yes.  
14 Q. Can you please turn to the last page of that  
15 document that is Exhibit 2. Is that your signature on  
16 the last page of Exhibit 2?  
17 A. Yes.  
18 Q. What date did you sign this declaration?  
19 A. 27 November, 2023.  
20 Q. And where did you sign it?  
21 A. In Haßbergen.  
22 Q. A moment ago we spoke about how long Amazonen  
23 had marketed and sold seed drills, including precision  
24 [AUDIO FADED] seed drills. Your testimony is that it  
25 was from 1990 onwards; is that correct?

Page 14

1 A. It is a difference between a normal seeder,  
2 for example, for maize -- weed, and precision seed  
3 machine, for example, maize.  
4 And for weed, Amazonen sold these machines  
5 since about 1960.  
6 And for maize, since about 1990.  
7 But those numbers are not definite.  
8 Q. And when Amazonen sell agricultural equipment,  
9 does Amazonen provide a manual with the equipment?  
10 A. Yes.  
11 Q. Is that also true of these vacuum-based  
12 precision seed drills that Amazonen marketed and sold?  
13 A. Yes.  
14 Q. What's the purpose of an operating manual for  
15 equipment like a precision seed drill?  
16 A. So that the client that is the farmer can  
17 adjust the machine in the correct way and use it in the  
18 correct way.  
19 Q. So the manual explained to a customer how the  
20 machine works?  
21 MR. MAZUR: Objection. Leading.  
22 THE WITNESS: Yes.  
23 Q. BY MR. WALTERS: Does the manual inform a  
24 customer how to operate the machine?  
25 MR. MAZUR: Objection.

Page 16

1 A. Well, the date simply identifies when it was  
2 published; correct.  
3 Q. So do these date codes on Amazonen's manual  
4 include the month and year of publication?  
5 A. That is correct. It includes month and year.  
6 Q. And is Amazonen careful to include date code  
7 information on its operating manuals that it publishes?  
8 MR. MAZUR: Objection.  
9 THE WITNESS: Yes.  
10 Q. BY MR. WALTERS: Why?  
11 A. This is part of the task Amazonen has. Sorry,  
12 this is a stupid question.  
13 Q. Let's mark Exhibit 3 as a document Bates  
14 labelled Precision\_03911129 through Precision\_03911300.  
15 (Exhibit 3 marked.)  
16 Do you see this document on screen and do you  
17 have a copy of it?  
18 A. Yes.  
19 MR. WALTERS: Sorry, was there a translation  
20 or did it come already?  
21 THE WITNESS: Yes, this is the operating  
22 manual in German language.  
23 Q. BY MR. WALTERS: What -- do you see in the top  
24 sort of middle of this manual some various numbered  
25 machines that begin with ED? ED 302, ED 452, et cetera?

Page 15

1 THE WITNESS: Yes.  
2 (The following is interpreted by Interpreter Ms.  
3 Degenkolb)  
4 Q. BY MR. WALTERS: Do the manuals explain to  
5 customers how to service the machine if it requires  
6 repair?  
7 A. The manual explains how the machine needs to  
8 be serviced.  
9 Q. Will the manual explain and identify various  
10 parts of the machinery?  
11 MR. MAZUR: Objection to form.  
12 THE WITNESS: Yes.  
13 Q. BY MR. WALTERS: Do the manuals include  
14 descriptive text and pictures explaining the various  
15 parts of the machine?  
16 A. Yes.  
17 Q. Do Amazonen's operating manuals include date  
18 codes?  
19 A. Yes, data code.  
20 Q. And what's the purpose of a date code on  
21 Amazonen's operating manual?  
22 A. It allows an attribution or it helps to allow  
23 an attribution to the machine.  
24 Q. What do you -- can you explain how that helps  
25 the attribution of the machine?

Page 17

1 MR. MAZUR: Objection to form.  
2 THE WITNESS: Yes.  
3 Q. BY MR. WALTERS: What are those letters?  
4 A. ED stands for the German word of einzelkorn  
5 driller. In English, it's precision seed drill.  
6 "302" stands for the working width, which is  
7 three meters. So the "3" stands for the width of three  
8 meters, and "2" refers to the second series or so.  
9 Q. Is it fair to say then that this manual  
10 describes the five precision seed drills identified on  
11 the face of this document?  
12 A. That is correct.  
13 Q. So to be clear, those five machines were  
14 machines that Amazonen manufactured, marketed, and sold  
15 throughout Europe?  
16 MR. MAZUR: Objection to form.  
17 THE WITNESS: Yes.  
18 Q. BY MR. WALTERS: I would like to now -- if you  
19 can keep that Exhibit 3 handy and close to you -- but  
20 also I am referring now to what I'd like to mark as  
21 Exhibit 4. This is Bates labeled Precision\_3911301  
22 through 3911472.  
23 (Exhibit 4 marked.)  
24 Do you have that document in front of you?  
25 A. Yes.

Page 18

1 Q. What is this document, Exhibit 4?

2 A. This is the translation of the German manual.

3 Q. So Exhibit 4 is an English version of the

4 manual that is Exhibit 3?

5 A. Correct, yes.

6 Q. So I would like to switch the sharing to show

7 a different screen. Here, if you can see my screen, I

8 have side by side Exhibits 3 and 4. Do you see my

9 screen?

10 A. Yes.

11 Q. Okay. Do the German and English version of

12 this manual identify the same products?

13 INTERPRETER: Sorry, could you repeat the last

14 part of your question?

15 Q. BY MR. WALTERS: Sure. Do the products

16 identified on the face Exhibit 3 and Exhibit 4 identify

17 the same products?

18 A. Yes.

19 Q. Were the machines identified on the face of

20 Exhibits 3 and 4 sold while you were employed by

21 Amazonen?

22 A. Yes.

23 Q. Do you recall if those products were

24 successful, the products identified on the face of

25 Exhibits 3 and 4?

Page 20

1 A. That is the date of the finishing and the

2 issuing of the operating manual.

3 Q. So is that a date code that we referenced

4 earlier?

5 A. Yes.

6 Q. What month and year does that date code there

7 reflect on Exhibit 3 and Exhibit 4?

8 MR. MAZUR: Objection to form.

9 THE WITNESS: October 2005.

10 Q. BY MR. WALTERS: So does that mean that these

11 manuals of Exhibits 3 and 4 were issued and published in

12 October of 2005?

13 A. Yes.

14 Q. Now I want to take a moment and have you look

15 at the scan-throughs Exhibits 3 and 4. In particular,

16 bottom of each page of Exhibit 3 and Exhibit 4, you will

17 see "10.05" on the bottom of the pages of both of those

18 exhibits. Do you see that repeated reference "10.05" in

19 the footer of Exhibits 3 and 4?

20 A. Yes.

21 Q. Is that the same date code that we saw on Page

22 1 of the manual Exhibits 3 and 4?

23 A. Yes.

24 Q. Does that confirm that each of these pages was

25 part of the publication October of 2005 for the manuals

Page 19

1 MR. MAZUR: Objection to form.

2 THE WITNESS: Yes.

3 Q. BY MR. WALTERS: Are the manual showing

4 Exhibit 3 and Exhibit 4 complete and accurate copies of

5 the Amazonen manuals published by Amazonen for those

6 products identified on the face of Exhibits 3 and 4?

7 MR. MAZUR: Objection to form.

8 THE WITNESS: Yes.

9 Q. BY MR. WALTERS: Can you please look at the

10 first page of Exhibits 3 and 4? Do you see the lower

11 left-hand corner of Exhibit 3 and Exhibit 4 a legend --

12 I will zoom in.

13 A. Yes.

14 Q. Part of that legend on the first page of

15 Exhibit 3 and first page of Exhibit 4 says "printed in

16 Germany."

17 Do you see that?

18 A. Yes.

19 Q. What does that mean, printed in Germany?

20 A. That they were printed in Germany.

21 Q. And right above that, the legend on that first

22 page of Exhibit 3 and the first page of 4 says "10.05."

23 Do you see that?

24 A. Yes.

25 Q. What does that mean?

Page 21

1 of Exhibits 3 and 4?

2 A. Yes.

3 Q. Please turn to Page 3 of both Exhibits 3 and

4 4.

5 A. Yes.

6 Q. In the bottom section of Page 3 of both

7 Exhibits 3 and 4, there is a section that in the English

8 version says: "Formal remarks to this instruction

9 manual."

10 Do you see that section?

11 A. Yes.

12 Q. So do you see a copyright date in Exhibit 3

13 and in Exhibit 4 in that section?

14 A. I only see the date of edition.

15 Q. The date of edition, what is the number there

16 or the code there?

17 A. 10.05.

18 Q. Does that correspond to the "10.05" that we

19 have already talked about for these manuals?

20 A. Yes.

21 Q. So that's referencing October 2005 in both the

22 manuals of Exhibits 3 and Exhibit 4?

23 A. Yes.

24 Q. So right below the dates of edition, there is

25 a circle "C" copyright. Amazonen-Werke H. Dreyer GmbH &

Page 22

1 Co. KG 2005.

2 Do you see that?

3 MR. MAZUR: Objection to form.

4 THE WITNESS: Yes.

5 Q. BY MR. WALTERS: So is that referencing and

6 consistent with a publication by Amazonen 2005?

7 MR. MAZUR: Objection to form.

8 THE WITNESS: Yes.

9 Q. BY MR. WALTERS: And do you see the document

10 number for Exhibit 3 and Exhibit 4?

11 A. Yes.

12 Q. What are they?

13 A. I don't know.

14 Q. Are those document numbers same or different?

15 A. Different.

16 Q. Does the German manual have MG 1239 as its

17 document number?

18 A. Yes.

19 Q. And does the English version have the document

20 number MG 1239?

21 A. Yes.

22 Q. Is it Amazonen's practice to include a

23 document number, copyright date, and date of the

24 edition, that type of information in the operating

25 manual?

Page 24

1 the machine described by those manuals?

2 MR. MAZUR: Objection to form.

3 THE WITNESS: Yes.

4 Q. BY MR. WALTERS: Does Amazonen keep copies of

5 these manuals of Exhibit 3 and 4 in the regular course

6 of business for reference by Amazonen and by its

7 customers?

8 A. Yes.

9 Q. And since the manuals of Exhibits 3 and 4 were

10 prepared and kept in the ordinary course of Amazonen's

11 business, were they created in 2005 by Amazonen employee

12 whose job responsibilities were to create accurate and

13 complete instruction manuals for Amazonen's equipment?

14 MR. MAZUR: Objection to form.

15 THE WITNESS: Yes.

16 Q. BY MR. WALTERS: Were the manuals of Exhibit 3

17 and Exhibit 4 publicly disseminated in printed form to

18 customers and service professionals of the machines

19 described in those manuals?

20 MR. MAZUR: Objection to form.

21 THE WITNESS: Yes.

22 Q. BY MR. WALTERS: Were the manuals of Exhibit 3

23 and Exhibit 4 disseminated in printed form as early as

24 2005?

25 A. Yes.

Page 23

1 A. Yes.

2 Q. Does that information help Amazonen accurately

3 identify the time frame of Amazonen's publications?

4 A. Yes.

5 Q. Is it fair to say that the manuals that you

6 see in Exhibits 3 and 4 were published in October of

7 2005?

8 A. Yes.

9 Q. Do the manuals of Exhibits 3 and 4 provide a

10 true and accurate description of the various parts,

11 operation, and service instructions for the machines

12 described by those manuals?

13 MR. MAZUR: Objection to form.

14 THE WITNESS: Yes.

15 (The following is interpreted by Interpreter Ms. Bodor)

16 Q. BY MR. WALTERS: Were the manuals for Exhibits

17 3 and 4 prepared at Amazonen's direction as an operating

18 manual to identify the various parts, operation, service

19 instructions for the machines described by those

20 manuals?

21 MR. MAZUR: Objection to form.

22 THE WITNESS: Yes.

23 Q. BY MR. WALTERS: Were the manuals of Exhibit 3

24 and Exhibit 4 prepared as a regular practice and custom

25 of Amazonen to be supplied to Amazonen's customers of

Page 25

1 Q. Were the manuals of Exhibit 3 and Exhibit 4

2 confidential?

3 A. No.

4 Q. In what countries were the manuals of Exhibit

5 3 and Exhibit 4 have been publicly disseminated to

6 customers?

7 INTERPRETER: Excuse me, the Interpreter

8 couldn't understand the question.

9 Q. BY MR. WALTERS: Sure. In what countries were

10 the manuals -- scratch it. In what countries were the

11 manuals of Exhibit 3 and Exhibit 4 publicly disseminated

12 to customers and service professionals?

13 A. Central Europe and Southern Europe.

14 Q. And when the manuals of Exhibit 3 and Exhibit

15 4 became available in 2005, if anyone was interested in

16 obtaining a copy of those manuals, would Amazonen have

17 provided a copy to them upon request?

18 MR. MAZUR: Objection to form.

19 THE WITNESS: Yes.

20 MR. WALTERS: I pass the witness.

21

22 EXAMINATION

23 BY MR. MAZUR:

24 Q. Mr. Scheufler, do you need a break now or are

25 you okay with proceeding?

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1 A. I would like to proceed.

2 Q. Okay. I am going to share my screen. I would

3 like to mark this as -- I think this is Exhibit 5, is

4 that correct? I will represent that this is a document

5 that was produced to us by Precision's counsel.

6 (Exhibit 5 was later marked electronically by

7 Court Reporter, after it was received from counsel via

8 electronic means.)

9 Are you able to see the document, Mr.

10 Scheufler?

11 A. Only on screen.

12 Q. Are you able to read it?

13 A. Badly.

14 Q. Okay. Do you recognize this document?

15 A. I think so.

16 Q. What is the document?

17 A. This is a question or request by the Patent

18 Department of Hogan Lovell.

19 Q. So these were attorneys contacting you;

20 correct?

21 MR. WALTERS: Objection to form.

22 THE WITNESS: Yes.

23 Q. BY MR. MAZUR: Was this the first message that

24 you received from Precision's counsel?

25 A. Yes.

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1 the company they were talking about.

2 Q. BY MR. MAZUR: Okay. What are they saying

3 about -- strike that. What does the last sentence in

4 that paragraph refer to?

5 MR. WALTERS: Objection.

6 THE WITNESS: So that it is not new and there

7 is prior art.

8 Q. BY MR. MAZUR: When you say not new --

9 INTERPRETER: I am sorry, the interpreter

10 would like to correct herself.

11 "It's not innovative."

12 Q. BY MR. MAZUR: And the thing that was not

13 innovative is the patent that was being asserted against

14 Precision Planting; is that right?

15 MR. WALTERS: Objection to form. Foundation.

16 THE WITNESS: Yes.

17 Q. BY MR. MAZUR: Okay. I would like to take a

18 look at the paragraph following that. What does that

19 paragraph say?

20 MR. WALTERS: Objection to form.

21 (The following is interpreted by Interpreter Ms.

22 Degenkolb)

23 THE WITNESS: Well, that Amazonen issued an

24 operating manual before the date the patent was granted.

25 Q. BY MR. MAZUR: And is the operating manual

Page 27

1 Q. Had you worked with these attorneys previously

2 prior to this message?

3 A. No.

4 Q. So would it be fair to say that this was the

5 first time you heard from these attorneys -- encountered

6 them?

7 MR. WALTERS: Objection to form.

8 THE WITNESS: Yes.

9 Q. BY MR. MAZUR: If I can direct you to the

10 second paragraph of that message. Could you take a

11 moment to look at that?

12 A. You mean where it says, "Wir sind

13 Rechtsanwälte," et cetera? In this paragraph?

14 Q. Yes, that paragraph.

15 A. Yes.

16 Q. What are Precision's attorneys telling you in

17 that paragraph?

18 MR. WALTERS: Objection to form.

19 THE WITNESS: It says that the counsel

20 representing their client that that patent should not

21 have been granted, actually.

22 Q. BY MR. MAZUR: And the client they're

23 referring to is Precision Planting; is that correct?

24 MR. WALTERS: Objection to form.

25 THE WITNESS: I only heard later that that was

Page 29

1 referred to in this message the same operating manual

2 for Amazonen that were introduced as exhibits

3 previously?

4 A. Yes.

5 Q. Can you recall the patent that is being

6 referred to in this message?

7 A. This patent was then presented to me by the

8 lawyers from Düsseldorf at a later stage.

9 Q. Was that the Maschio Gaspardo's US patent the

10 '121 Patent?

11 MR. WALTERS: Objection to form. Foundation.

12 THE WITNESS: I do not know.

13 Q. BY MR. MAZUR: You don't recall whether the

14 patent belong to Maschio Gaspardo?

15 MR. WALTERS: Objection to form.

16 THE WITNESS: I only have the patent

17 application which was submitted to me by the lawyers

18 from Düsseldorf.

19 Q. BY MR. MAZUR: So you consulted the patent

20 application but not the patent itself?

21 A. I don't know exactly whether it is the patent

22 application that was submitted to me or the granted

23 patent, but do I believe it was the granted patent that

24 was submitted to me. I do have the patent with me.

25 Q. Can you read the number of the -- strike that.

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1 Would it be fair to say that this letter was the first  
 2 time that you had understood that the operating  
 3 instructions might relate to the validity of a patent  
 4 presented to you by the attorneys from Düsseldorf?  
 5 MR. WALTERS: Objection to form. Foundation.  
 6 THE WITNESS: Yes.  
 7 Q. BY MR. MAZUR: Okay. I am going to put up  
 8 another document. I would like to mark this as Exhibit  
 9 6. Are you able to read this document on the screen?  
 10 (Exhibit 6 was later marked electronically by  
 11 Court Reporter, after it was received from counsel via  
 12 electronic means.)  
 13 A. Yes.  
 14 Q. Do you recognize this document?  
 15 A. Yes.  
 16 Q. What is this document?  
 17 A. This was a request submitted to me by my side  
 18 with some question of mine to be able to prepare myself  
 19 better and to familiarize myself.  
 20 Q. Sorry, could you repeat that? You said they  
 21 were questions that you were asking?  
 22 MR. WALTERS: Objection to form.  
 23 THE WITNESS: Yes.  
 24 Q. BY MR. MAZUR: Do you see on the document how  
 25 there is numbers: 1, 2, 3, and 4?

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1 THE WITNESS: These are facts and questions.  
 2 Q. BY MR. MAZUR: So returning to Point No. 4, is  
 3 that a fact or a question?  
 4 MR. WALTERS: Objection to form. Foundation.  
 5 THE WITNESS: This is a question.  
 6 Q. BY MR. MAZUR: What are you asking -- what is  
 7 the question being asked?  
 8 A. Well, it's a little bit complex. According to  
 9 my knowledge, the suction kidney only touches at a  
 10 circumference of 320 degrees the singling disc.  
 11 Q. When you refer to the suction kidney and the  
 12 sealing disc, is that the suction kidney and sealing  
 13 disc of the Amazonen machine described in the operating  
 14 instructions?  
 15 MR. WALTERS: Objection to form. Misstates  
 16 testimony.  
 17 THE WITNESS: Yes.  
 18 Q. BY MR. MAZUR: Paragraph --  
 19 INTERPRETER: Just a moment. The witness  
 20 asked for a short break.  
 21 MR. MAZUR: Okay.  
 22 THE WITNESS: I would need to check that.  
 23 It's also possible this is referring to the patent of  
 24 Maschio Gaspardo, this angle of 320 degrees.  
 25 Q. BY MR. MAZUR: So the suction cup and the

Page 31

1 A. Yes.  
 2 Q. Could you read -- you don't have to read it  
 3 aloud -- but could you just take a look at Point 4?  
 4 A. Yes.  
 5 Q. Is that a question that you were asking the  
 6 attorneys in Düsseldorf?  
 7 A. Yes.  
 8 Q. What are you asking them?  
 9 A. Which question I am asking?  
 10 Q. Yes.  
 11 A. I do not understand.  
 12 Q. Okay. Let's try a different -- I will ask a  
 13 different question. At the top of the letter -- the  
 14 message, before No. 1 -- I have learned some German, but  
 15 I am sure I am going to mispronounce this. This is just  
 16 so Mr. Scheufler would understand which part of the  
 17 message I'm talk about -- it says: "Sachverhalten aus."  
 18 What does that mean?  
 19 MR. WALTERS: Objection to form. Foundation.  
 20 THE WITNESS: Well, fact. "Sachverhalten  
 21 aus," that is a fact, as the basis to be able to further  
 22 proceed.  
 23 Q. BY MR. MAZUR: So are the Points 1 through 4  
 24 in this message facts?  
 25 MR. WALTERS: Objection to form. Foundation.

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1 separating disc -- scratch that. Thank you. I would  
 2 like to move to the next paragraph, the last paragraph  
 3 of the message. Can you take a look at that?  
 4 A. Yes, I did.  
 5 Q. Okay. Can you read -- actually, can you  
 6 please read that paragraph into the record?  
 7 MR. WALTERS: Objection to form.  
 8 THE WITNESS: "Die Entwicklung diser Maschine  
 9 liegt inzwischen uber 30 jahre zuruck..."  
 10 The development of this machine dates back to  
 11 more than 30 years. At that time, I was already the  
 12 main responsible person for the entire development area  
 13 of Amazonen. The constructive detailed work did not  
 14 pass by my desk. In order to be able to clarify the  
 15 above facts, I need the cooperation of former  
 16 collaborators. Because of the confidentiality  
 17 agreement, I have so far not contacted them yet.  
 18 Q. BY MR. MAZUR: I want to -- where you say in  
 19 this message, "the constructive detailed work did not go  
 20 over my desk," what does that mean -- I may have  
 21 misquoted that -- but that sentence?  
 22 A. Okay. If I refer to constructive detailed  
 23 work, then I refer to a hierarchy. So first as to  
 24 construction, the Head of Construction, then there is  
 25 the Designer, and then there is the one doing the

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1 technical drawings. In this case, it was mainly the  
 2 responsibility of the engineer and draftsman.

3 Q. So --

4 INTERPRETER: Please correct the transcript.  
 5 It's not engineer and draftsman. It is engineer  
 6 draftsman or technic -- the one doing the technical  
 7 drawings.

8 Q. BY MR. MAZUR: So the engineer draftsman was  
 9 responsible for the development of the machine; is that  
 10 correct?

11 A. No.

12 Q. Could you please explain the different roles  
 13 in the development of the machine between yourself and  
 14 the engineer draftsman?

15 MR. WALTERS: Objection to form.

16 THE WITNESS: Well, I present the idea and the  
 17 designer or the engineer draftsman will then do the  
 18 design, the construction.

19 Q. BY MR. MAZUR: Okay. I want to turn to  
 20 another document; putting this up on the screen. This  
 21 was produced to us as SCHEUFLEER 22. I think this should  
 22 be marked Exhibit 7.

23 (Exhibit 7 was later marked electronically by  
 24 Court Reporter, after it was received from counsel via  
 25 electronic means.)

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1 co-responsible.

2 Q. And what did he tell you?

3 MR. WALTERS: Objection to form.

4 THE WITNESS: You can read that in the next  
 5 sentence: "The single disc and the circular disc do not  
 6 touch."

7 Q. BY MR. MAZUR: And did he say anything in  
 8 addition to that?

9 MR. WALTERS: Objection to form.

10 THE WITNESS: Probably, but I don't remember.

11 Q. BY MR. MAZUR: So the phrase after that, the  
 12 third sentence, can you explain -- is that -- the third  
 13 sentence, could you please read the third sentence of  
 14 the e-mail?

15 MR. WALTERS: Objection to form.

16 THE WITNESS: "Therefore, the present manual  
 17 is not useable."

18 Q. BY MR. MAZUR: And is that statement that  
 19 "it's not useable," is that your opinion or the opinion  
 20 of the engineer that you spoke with?

21 A. That is my opinion, if I make a direct  
 22 comparison between the patent and the picture in the  
 23 manual.

24 Q. So the manual, where it says "cannot be used"  
 25 -- strike that. That line of your e-mail is referring

Page 35

1 (The following is interpreted by Interpreter Ms. Bodor)

2 Q. Mr. Scheufler, do you recognize this document?

3 A. Yes.

4 Q. What is this document?

5 A. This is my opinion to the patent application  
 6 by Gaspardo.

7 Q. So was this sent to the attorneys in  
 8 Düsseldorf?

9 A. Yes.

10 Q. What is the first sentence saying in this  
 11 message?

12 MR. WALTERS: Objection to form.

13 THE WITNESS: The one that starts with  
 14 "gestern habe"?

15 Q. BY MR. MAZUR: Yes.

16 A. It says: "Yesterday I spoke to the  
 17 responsible constructor engineer -- designer. Nowadays  
 18 the Head of Department."

19 Q. And is that responsible designer referred to,  
 20 is that a person who works at Amazonen?

21 A. Yes.

22 Q. Was the person responsible for the design of  
 23 the Amazonen seed machine that's described in the  
 24 operating instructions?

25 A. He was one of the responsables --

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1 -- let me start over. When you say that the manual  
 2 cannot be used, are you referring with respect to  
 3 Maschio Gaspardo's patent application?

4 MR. WALTERS: Objection to form.

5 THE WITNESS: Yes.

6 Q. BY MR. MAZUR: In the last sentence of the  
 7 message, what's being said?

8 MR. WALTERS: Objection to form.

9 THE WITNESS: I am prepared to support you  
 10 further, but at the moment I don't see starting point.

11 Q. BY MR. MAZUR: Starting point, what did you  
 12 mean by the starting point?

13 A. Let me explain. So I have the application by  
 14 Maschio Gaspardo, and I have Amazonen's manual.

15 Well, it does not fall directly under the  
 16 technical area of usage, and therefore, I wasn't sure  
 17 how to answer that at the time.

18 Q. When you say it doesn't fall under technical  
 19 area of usage, what are you referring to? What is "it"?

20 A. So the technical solution by Amazonen would  
 21 not infringe the patent application by Maschio Gaspardo.  
 22 If the solution that Amazonen would have been later than  
 23 the patent by Gaspardo, it would not infringe the  
 24 patent.

25 Q. You used the word "infringe." I just want to

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1 clarify, are you an attorney?

2 A. Me, no.

3 Q. Okay. You referred to infringement. Do you

4 refer to infringement in this e-mail, in this message?

5 A. For me, it was clear that Amazonen was not --

6 that this patent had nothing to do with Amazonen.

7 Q. Okay. Thank you. I have just one other

8 document to show you. We are getting close to at least

9 the end of my questions.

10 (The following is interpreted by Interpreter Ms.

11 Degenkolb)

12 This document was representing, produced to us

13 as SCHEUFLER\_36. I would like it to be marked Exhibit

14 8.

15 (Exhibit 8 was later marked electronically by

16 Court Reporter, after it was received from counsel via

17 electronic means.)

18 Mr. Scheufler, can you see this Exhibit 8 on the

19 screen?

20 A. Yes.

21 Q. Do you recognize this document?

22 A. Yes.

23 Q. What is this document?

24 A. This is a request from the lawyers in

25 Düsseldorf.

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1 the model number of the successor model?"

2 THE WITNESS: I do not know that now, but this

3 was a completely different machine.

4 Q. BY MR. MAZUR: Okay. Thank you. I just have

5 a couple other questions just to follow up on some

6 things that were said earlier. You previously testified

7 that you stopped working for Amazonen in 2010; is that

8 correct?

9 A. Yes.

10 Q. Even if you were no longer an employee of

11 Amazonen after 2010, did you still continue working with

12 or for Amazonen after that date in any capacity?

13 A. Yes, up to today.

14 Q. And what is the nature of the work which you

15 do -- you were doing now -- you were doing since 2010

16 with Amazonen?

17 A. Inventor.

18 Q. Are the inventions that you worked on with

19 Amazonen in the field of agricultural machinery?

20 A. Yes.

21 Q. Are they in the field of precision seed

22 machines?

23 A. Also.

24 Q. Did you -- do you know or did you have at

25 anytime after 2010 a financial interest in Amazonen?

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1 Q. So unlike the previous two messages we looked

2 at, this is a message from the lawyer in Düsseldorf to

3 you; it's not written by you?

4 MR. WALTERS: Objection.

5 THE WITNESS: Just a moment. I need to check.

6 Q. BY MR. MAZUR: Okay.

7 A. This is from Düsseldorf to me.

8 Q. Okay. I just want to focus on the last

9 paragraph, the first sentence of the last paragraph.

10 Can you just tell me what was being communicated to you

11 there?

12 A. Which paragraph are you referring to again?

13 Q. The last one before the salutation.

14 A. Okay. I read this last paragraph.

15 "This Maschio Gaspardo patent claims a

16 priority of 12th of November, 2010. This is a relevant

17 date for us, and the fact that when you resign, there

18 was already a successor model available is also a good

19 point, which we will include in the explanation."

20 INTERPRETER: Question from the Interpreter to

21 Witness.

22 "Did you also read the very last sentence?"

23 The Interpreter also asked to the witness.

24 "Yes," confirms the Witness.

25 Last sentence: "What was the designation of

Page 41

1 A. I did not have a participation, but I wrote

2 invoices.

3 Q. Okay. Are you aware that Amazonen was

4 involved in litigation with Maschio Gaspardo over patent

5 infringement?

6 A. I do not know that.

7 Q. Okay. Are you being compensated by Precision

8 for your testimony today?

9 MR. WALTERS: Objection to form.

10 THE WITNESS: You mean for what I am saying

11 here today?

12 Q. BY MR. MAZUR: Any testimony. your

13 Declaration and this deposition.

14 MR. WALTERS: Objection to form.

15 THE WITNESS: You mean whether I'm being paid

16 for that?

17 Q. BY MR. MAZUR: Yes.

18 A. Not up to now.

19 Q. Prior to being contacted by the attorneys from

20 Düsseldorf, did you have any relationship with Precision

21 Planting?

22 A. I did not know that company.

23 Q. Were you aware of Maschio Gaspardo before you

24 were contacted by the attorneys from Düsseldorf?

25 A. Yes.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 42</p> <p>1 MR. MAZUR: Okay. I think that is all the<br/>2 questions I have for the witness.<br/>3 MR. WALTERS: I have to consult my notes. I<br/>4 need no more than ten more minutes. Can we take a<br/>5 ten-minute break and then come back here?<br/>6 THE WITNESS: Yes.<br/>7 VIDEOGRAPHER: Going off the record now at<br/>8 17:09. End of Media 1.<br/>9 (Break.)<br/>10 VIDEOGRAPHER: We're now starting Media 2.<br/>11 Going back on the record at 17:26.<br/>12 MR. WALTERS: Did you have additional<br/>13 questions?<br/>14 MR. MAZUR: Yes, thank you, Matt.<br/>15 Q. BY MR. MAZUR: I am going to share my screen<br/>16 again. I put up what we were previously looking at as<br/>17 Exhibit 6. Do you see that?<br/>18 A. Yes.<br/>19 Q. As we -- as you mentioned earlier, you were<br/>20 discussing a patent belonging to Maschio Gaspardo;<br/>21 correct?<br/>22 A. Yes.<br/>23 Q. Okay. Now putting what I would like to mark<br/>24 as Exhibit 9.<br/>25 (Exhibit 9 was later marked electronically by</p>                                                                                                                                               | <p style="text-align: right;">Page 43</p> <p>1 Court Reporter, after it was received from counsel via<br/>2 electronic means.)<br/>3 A. Yes.<br/>4 Q. Mr. Scheufler, do you see the exhibit on the<br/>5 screen?<br/>6 A. Yes.<br/>7 Q. Is this the patent that you were referring in<br/>8 your correspondence with the attorneys from Düsseldorf?<br/>9 A. Yes.<br/>10 Q. Okay. Thank you. That was my additional<br/>11 question. No further questions.<br/>12 MR. WALTERS: Peter, can you take that exhibit<br/>13 down, please?<br/>14 MR. MAZUR: Yes.<br/>15 MR. WALTERS: Thank you.<br/>16<br/>17 EXAMINATION<br/>18 BY MR. WALTERS:<br/>19 Q. Mr. Scheufler, are you aware of the patent law<br/>20 -- United States patent law concept of analogous art?<br/>21 MR. MAZUR: Objection to form.<br/>22 THE WITNESS: No.<br/>23 Q. BY MR. WALTERS: Is it fair to say then you<br/>24 are not an expert under US patent law as to what<br/>25 constitutes analogous art?</p> |
| <p style="text-align: right;">Page 44</p> <p>1 MR. MAZUR: Objection to form.<br/>2 THE WITNESS: Yes, that's correct.<br/>3 MR. WALTERS: I have no further questions.<br/>4 Read and sign for the witness.<br/>5 COURT REPORTER: Counsel, any examination?<br/>6 VIDEOGRAPHER: Has anybody got any more<br/>7 questions for the witness or are we closing the record<br/>8 at this point?<br/>9 MR. WALTERS: I have no further questions.<br/>10 MR. MAZUR: I have no further questions.<br/>11 (Court reporter and counsel conferring about<br/>12 ordering transcripts.)<br/>13 INTERPRETER MS. DEGENKOLB: Excuse me, Witness<br/>14 would like to make another remark.<br/>15 THE WITNESS: I apologize if I looked a bit<br/>16 grumpy during this examination. As an engineer, I am<br/>17 not used to that kind of questions.<br/>18 MR. WALTERS: No apology necessary. This is a<br/>19 very formal proceeding, and we appreciate you for your<br/>20 time.<br/>21 MR. MAZUR: Yes. Thank you for your time this<br/>22 afternoon.<br/>23 (Videographer, court reporter, and counsel<br/>24 conferring about ordering of video and transcript and<br/>25 handling of the electronic and physical exhibits.)</p> | <p style="text-align: right;">Page 45</p> <p>1 VIDEOGRAPHER: Going off the record now.<br/>2 17:33. End of Media 2.<br/>3 (The hybrid videotaped deposition for today<br/>4 ended at 5:33 p.m., Netherlands time)<br/>5 * * *<br/>6<br/>7<br/>8<br/>9<br/>10<br/>11<br/>12<br/>13<br/>14<br/>15<br/>16<br/>17<br/>18<br/>19<br/>20<br/>21<br/>22<br/>23<br/>24<br/>25</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |



|                                                                                                                                                                       |                                                                                                                                                                              |                                                                                                                                                                                                                                              |                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| <b>1</b>                                                                                                                                                              | <b>3911118</b> 12:19                                                                                                                                                         | <b>adjust</b> 14:17                                                                                                                                                                                                                          | <b>attribution</b> 15:22,23,25            |
|                                                                                                                                                                       | <b>3911128</b> 12:19                                                                                                                                                         | <b>afternoon</b> 6:2 44:22                                                                                                                                                                                                                   | <b>audibly</b> 8:6                        |
| <b>1</b> 8:24 9:1 20:22 30:25<br>31:14,23 42:8                                                                                                                        | <b>3911472</b> 17:22                                                                                                                                                         | <b>agreement</b> 33:17                                                                                                                                                                                                                       | <b>AUDIO</b> 13:24                        |
| <b>10</b> 11:3                                                                                                                                                        | <b>4</b>                                                                                                                                                                     | <b>agricultural</b> 9:22,24 10:2<br>11:9,13 12:12 14:8 40:19                                                                                                                                                                                 | <b>aus</b> 31:17,21                       |
| <b>10.05</b> 19:22 20:17,18<br>21:17,18                                                                                                                               | <b>4</b> 17:21,23 18:1,3,8,16,20,<br>25 19:4,6,10,11,15,22<br>20:7,11,15,16,19,22 21:1,<br>4,7,13,22 22:10 23:6,9,17,<br>24 24:5,9,17,23 25:1,5,11,<br>15 30:25 31:3,23 32:2 | <b>air</b> 11:22                                                                                                                                                                                                                             | <b>aware</b> 41:3,23 43:19                |
| <b>11th</b> 6:4                                                                                                                                                       | <b>4129</b> 6:6                                                                                                                                                              | <b>aloud</b> 31:3                                                                                                                                                                                                                            | <b>B</b>                                  |
| <b>121</b> 29:10                                                                                                                                                      | <b>452</b> 16:25                                                                                                                                                             | <b>Amazonen</b> 9:17,21,22<br>10:1,5,8,10,12,14,19,24<br>11:4,10 12:1,11 13:22<br>14:4,8,9,12 16:6,11 17:14<br>18:21 19:5 22:6 23:2,25<br>24:4,6,11 25:16 28:23 29:2<br>32:13 33:13 35:20,23<br>37:20,22 38:5,6 40:7,11,<br>12,16,19,25 41:3 | <b>back</b> 33:10 42:5,11                 |
| <b>1239</b> 22:16,20                                                                                                                                                  |                                                                                                                                                                              | <b>Amazonen's</b> 15:17,21<br>16:3 22:22 23:3,17,25<br>24:10,13 37:14                                                                                                                                                                        | <b>Badly</b> 26:13                        |
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