

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

MASCHIO GASPARDO S.p.A.,
Plaintiff/Counterclaim Defendant,
v.
PRECISION PLANTING, LLC,
Defendant/Counterclaimant.

Case No. 1:22-cv-1394-RGA-JLH

**PRECISION PLANTING, LLC’S SECOND SUPPLEMENTAL ANSWER
TO MASCHIO GASPARDO S.p.A’S INTERROGATORY NO. 2**

Pursuant to Rule 26(e)(1)(A) of the Federal Rules of Civil Procedure, Defendant/Counterclaimant, Precision Planting, LLC (“Precision Planting”) supplements its answer as follows to Interrogatory No. 2 propounded by Plaintiff/Counterclaim Defendant, Maschio Gaspardo S.p.A. (“Plaintiff” or “Gaspardo”). Precision Planting reserves the right to further supplement its answers upon discovery of additional information and materials through formal discovery or otherwise.

General Objections

Precision Planting incorporates by reference its General Objections to Plaintiff’s First Interrogatories (Nos. 1–15) dated March 1, 2023 as though set forth fully herein.

Objections and Answers to Interrogatories

Interrogatory No. 2: Describe in detail the design, development, function, operation, and method of use of each Accused Instrumentality identified in your response to Interrogatory No. 1, including any related factory or user settings or configuration options, any restrictions, dependencies, incompatibilities or other limitations of each

Accused Instrumentality, and including identifying the persons with relevant knowledge and the documents reflecting these facts.

OBJECTION: Precision Planting objects to this interrogatory as seeking Precision Planting's sensitive, proprietary, confidential business information. Precision Planting objects to this interrogatory as overly broad, unduly burdensome, vague and ambiguous, and not proportional to the needs of the case in seeking the identities of "the documents reflecting these facts" (i.e., the facts regarding each Accused Instrumentality sought in the interrogatory).

ANSWER: Subject to and without waiving the foregoing and the general objections, Precision Planting states that the Accused Instrumentalities were primarily designed by Derek Sauder, who is now deceased. Pursuant to Federal Rule of Civil Procedure 33(d), Precision Planting will produce business records reflecting the design, development, function, operation, and method of use of each Accused Instrumentality, including any related factory or user settings or configuration options, any restrictions, dependencies, incompatibilities or other limitations of each Accused Instrumentality, and identifying persons with relevant knowledge of these facts.

SUPPLEMENTAL ANSWER: Pursuant to Federal Rule of Civil Procedure 33(d), Precision Planting identifies the documents Bates numbered PRECISION_CORE000001–PRECISION_CORE001486 as further responsive to this interrogatory.

SECOND SUPPLEMENTAL ANSWER: Subject to and without waiving the general and specific objections above, Precision Planting further answers as follows:

The vSet Classic seed meter was developed as a replacement for Precision

Planting's prior-generation mechanical seed meters that are used to plant corn, soybeans, and other seed crops. At the time vSet Classic was developed, the premiere type of mechanical meters used to plant corn were "finger meters," in which a series of individual "fingers" or flag-shaped mechanisms rotate through the seed hopper, pick up seeds, and carry the seeds to the end of the seed tube where they are dropped into the furrow for planting. For soybeans, the premiere type of mechanical meters at the time vSet Classic was developed were "brush meters," in which a seed disc with pockets rotates through the seed hopper, picks up seeds, and passes against brushes that retain the seeds in the pockets until they reach the end of the seed tube and are dropped into the furrow.

The vSet Classic was Precision's first vacuum seed meter. Vacuum meters can achieve a higher degree of singulation—*i.e.*, accurately dispensing one seed and one seed only at the proper timing—than mechanical meters. A properly adjusted Precision mechanical meter was capable of achieving singulation rates in the mid-90 percent range—*i.e.*, with "skips" or "doubles" occurring on less than one in every 10 seed drops. The vSet Classic was capable of achieving singulation rates of 99 percent or better—*i.e.*, with "skips" or "doubles" occurring on less than one in every 100 seed drops.

The development process for the vSet Classic began in or around the fourth quarter of 2009. A prototype of the vSet Classic was in the field for beta testing in or around the second quarter of 2010. Precision Planting began taking orders for the vSet Classic later in 2010, and sales began by early 2011, in time for Spring planting that year. Derek Sauder was the principal designer of the vSet classic. Others involved in the development were Jeremy Hodel and Tim Schaefer. Responsibilities on the development team were divided

by function. Mr. Sauder was the systems design engineer and developed the chamfers on the seed disc. Mr. Hodel was primarily responsible for the design of the singulator and the ejector wheel. Mr. Schaefer designed other components such as housings and plastic injection-molded components.

The advent of Precision Planting's SpeedTube high-speed seed delivery system necessitated certain changes to the vSet design. This was the primary impetus behind Precision Planting's development of the vSet 2 seed meter. Specifically, lobes were added to the singulation apparatus to position seeds on the seed disc to feed better into the upper end of the SpeedTube delivery system rather than ricocheting off surfaces and causing "skips" or "doubles."

A second reason for developing vSet 2 was to make the vSet system more compatible with crops with larger seeds, such as peanuts and certain types of edible beans. A third reason for developing vSet 2 was to make general operational improvements to the vSet Classic design. At the time of vSet 2's development, it was intended to be universal, and Precision Planting intended to phase out the vSet Classic. But the vSet Classic can be retrofitted to older seed hoppers used with mechanical seed meters, while vSet 2 requires custom hoppers. Thus, vSet Classic is still in production and remains a more cost-effective option for a farmer looking to update older planting equipment.

The development process for the vSet 2 began in or around the first quarter of 2012. A prototype of the vSet 2 was in the field for beta testing in or around the second quarter of 2014. Precision Planting began taking orders for the vSet 2 in or around the fourth quarter of 2014, and sales began by early 2015, in time for Spring planting that year. Mr.

Hodel was the principal designer of the vSet 2. Mr. Schaefer was also involved in vSet 2's development and was primarily responsible for the features aimed at crop expansion. Ian Radke, the inventor of SpeedTube, was also involved in the development of vSet 2.

Documents reflecting the design of the vSet Classic seed meter have been produced bearing Bates numbers PRECISION_CORE001477–78. Documents reflecting the function, operation, and method of use of the vSet Classic seed meter have been produced bearing Bates numbers PRECISION_CORE00227–347, PRECISION_CORE001457.

Documents reflecting the design of the vSet 2 seed meter have been produced bearing Bates numbers PRECISION_CORE001479–86. Documents reflecting the function, operation, and method of use of the vSet 2 seed meter have been produced bearing Bates numbers PRECISION_CORE00500–1457, PRECISION_CORE001466–76.

Documents reflecting the function, operation, and method of use of the mSet system—a multi-hybrid planting system that allows planting of two hybrids using a divided hopper and a single vSet seed meter—have been produced bearing Bates numbers PRECISION_CORE000001–226.

Documents reflecting the function, operation, and method of use of the vSet Select system—a multi-hybrid planting system that allows planting of two hybrids using dual meters for instantaneous switching between hybrids—have been produced bearing Bates numbers PRECISION_CORE000348–499.

Documents reflecting the function, operation, and method of use of the vDrive electric drive motor assembly used with vSet seed meters have been produced bearing Bates number PRECISION_CORE1460–65.

VERIFICATION

I verify that I have personal knowledge of the foregoing Second Supplemental Answer to Plaintiff's Interrogatory No. 2, have investigated the answer, and/or have been provided information upon which to base the answer, and that the answer is true and correct to the best of my knowledge. I declare under penalty of perjury that the foregoing is true and correct.

March 26, 2024



JEREMY HODEL
Product Manager
Precision Planting, LLC

March 26, 2024

As to objections:

s/ **Scott R. Brown**

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CERTIFICATE OF SERVICE

On March 26, 2024, I emailed a copy of the foregoing Supplemental Answer to Maschio Gaspardo, S.p.A.'s Interrogatory No. 2 to the following counsel of record:

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