

[REDACTED]

30. Weber, Inc.'s largest increase in revenues occurred during the period from 2017 through 2020, following the first sale of the TS700 in 2016. Weber, Inc.'s revenue grew at a compound annual growth rate ("CAGR") of approximately [REDACTED] from 2017 through 2022. [REDACTED]
31. Weber also designed and released the TS700 Flex in an attempt to compete with the SX380.⁶² The TS700 Flex was an inexpensive version of the TS700 that operated at slower speeds and contained fewer features.⁶³ The TS700 Flex had a lower price, which resulted in a lower profit margin.⁶⁴
32. Weber Inc's. financial performance for the years 2015 through 2022 is summarized in the following table.⁶⁵

[REDACTED]

⁶¹ Interview with Joerg Schmeiser and Jarrod McCarroll, dated April 16, 2024.

⁶² Interview with Joerg Schmeiser and Jarrod McCarroll, dated April 16, 2024.

⁶³ Interview with Joerg Schmeiser and Jarrod McCarroll, dated April 16, 2024.

⁶⁴ Interview with Joerg Schmeiser and Jarrod McCarroll, dated April 16, 2024.

⁶⁵ See Exhibit 3.1. At this time, financial statements from 2023 have not been produced and are thus not included in the table or in Exhibit 3.1.

Table 2 – Weber, Inc. Historical Financial Performance

<i>USD \$000's</i>	2015	2016	2017	2018	2019	2020	2021	2022
Revenue								
Equipment								
Parts								
Service								
Packaging Equipment								
Textor Commission								
Machine rental								
Total Revenue								
<i>Revenue Growth %</i>								
Cost of Goods Sold								
Gross profit								
<i>Gross Margin %</i>								
Operating Expenses								
Operating income (loss)								
Other Income (Expense)								
Net Income								

33. From 2016 to 2021, Weber, Inc.⁶⁶ sold [REDACTED] of TS700 slicing machines, accounting for approximately [REDACTED] of Weber, Inc's equipment sales.⁶⁷ Other machinery such as the Weber Slicer 702, were also driving factors in the company's annual sales revenue. Weber Inc's. sales by machine for the years 2015 through 2022 are summarized in the following table.⁶⁸

⁶⁶ This includes sales by Textor, Inc. before it merged into Weber, Inc.

⁶⁷ See Exhibit 4.1.

⁶⁸ See Exhibit 4.1. We have received data only through September of 2021.

Table 3 – Weber, Inc. Equipment Revenues by Machine

<i>USD \$000's</i>	2015	2016	2017	2018	2019	2020	Sep-21	Total
<i>Machine</i>								
TS700								
Slicer 702								
Slicer S6								
Slicer 903-906								
Slicer 404/405								
Slicer 305								
Slicer 804								
Slicer 604								
TS500								

A. Weber Made Significant Investments in Research and Development

69. Over the past eight years Weber invested more money and dedicated more resources than Provisur to develop its slicing machines. [REDACTED]
[REDACTED]
[REDACTED] Provisur invested considerably less money on research and development, recruited and hired fewer engineers, and as a result, failed to meet or achieve its projected sales. [REDACTED]
[REDACTED]
[REDACTED]
70. [REDACTED]
[REDACTED] [REDACTED]
[REDACTED]
71. Weber has been recognized as one of the 100 most innovative companies in Germany with its significant number of engineers focused on research and development.¹⁴² [REDACTED]
[REDACTED]
[REDACTED] The following table summarizes the number of research and development personnel employed by each company from 2015 through 2022.¹⁴³

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
¹⁴² Innovations from Germany: Weber is among the Top 100, Weber, (<https://www.weberweb.com/company/news/innovations-from-germany-weber-is-among-the-top-100/>).

¹⁴³ WEBER3A-00201023; PR01928818 at 8956; PR01928818 at 8956; PR01668845 at 8981; PR00534859 at 4990; PR01813905 at 4079; PR01813905 at 4079, [REDACTED]
[REDACTED]

Table 14 – Research and Development Employees

Employees	2015	2016	2017	2018	2019	2020	2021	2022
Weber								
Provisur								

72. From 2015 to 2022, Weber invested over [REDACTED] in research and development, or [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] The following table summarizes Provisur’s and Weber’s annual spend on research and development.¹⁴⁴

Table 15 – Research and Development Expenses

USD \$000's	2015	2016	2017	2018	2019	2020	2021	2022	Total
Weber									
Provisur (Slicing)									

B. Provisur Selected and Hired Weber Employees

73. Weber claims that while it dedicated significant resources to product development, Provisur solicited and hired key Weber employees necessary for it to compete. The following table lists [REDACTED] former Weber employees Provisur hired in the ten-year period between March 2011 and December 2021.¹⁴⁵

¹⁴⁴ WEBER3A-00201023, Expenses for 2015 through 2021 are allocated based on Actual R&D spend for 2022-2023 and R&D employee headcount. (converted from EUR using year end exchange rates); PR01927309; Deposition of Scott Scriven, dated March 6, 2024, p. 35-36. While Provisur’s slicing division financials show over [REDACTED] spent for engineering in 2022, that may include non-R&D related expenses as according to Mr. Scriven, Provisur engineering spend [REDACTED]
[REDACTED]

Table 16 – Employees Provisur Hired from Weber

Date	Name	Weber Role
Apr-11		
Jan-13		
May-15		
May-16		
Jun-16		
Apr-17		
Sep-21		
Dec-21		

74.

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED]

[REDACTED] Weber claims that under Provisur’s direction these former Weber employees misappropriated Weber’s trade secrets, and proprietary and confidential information in order to develop a suite of competitive slicing machines, including its SX380 and SX330 slicers.

C. Provisur’s Trade Secret Misappropriation

i. Provisur’s Entrance into the Slicing Industry

75. In 2009, Provisur was formed through the merger of several companies that CCI had acquired in the preceding years, including Formax, Young & Associates, Weiler, and Beehive.¹⁴⁸ [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

76. [REDACTED] [REDACTED] Also in 2013, Textor released the TS700 slicer in Germany, designed to be the most flexible slicer in the industry.¹⁵¹ [REDACTED] [REDACTED] The TS700 also introduced a new design that combined hygienic features with an open-frame construction.¹⁵³

77. The innovative slicing functionalities and new design helped the TS700 become one of the most popular and competitive slicers in the industry.¹⁵⁴ [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

78. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

¹⁵¹ [REDACTED] Textor Unveils the TS700, the Latest in Slicer Technology, Meat Seafood Poultry Magazine, March 19, 2013, (<https://msp-magazine.com/textor-unveils-the-ts700-the-latest-in-slicer-technology-at-iffa-2013/>).

¹⁵³ [REDACTED] Textor Unveils the TS700, the Latest in Slicer Technology, Meat Seafood Poultry Magazine, March 19, 2013, (<https://msp-magazine.com/textor-unveils-the-ts700-the-latest-in-slicer-technology-at-iffa-2013/>).

¹⁵⁴ [REDACTED] Textor Unveils the TS700, the Latest in Slicer Technology, Meat Seafood Poultry Magazine, March 19, 2013, (<https://msp-magazine.com/textor-unveils-the-ts700-the-latest-in-slicer-technology-at-iffa-2013/>); PR00527444.

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]













