

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
ST. JOSEPH DIVISION

PROVISUR TECHNOLOGIES,	)	
INC.,	)	
Plaintiff,	)	
	)	No. 5:21-cv-06113
v.	)	
	)	
WEBER, INC., ET AL.,	)	
Defendants.	)	
	)	
and	)	
	)	
WEBER, INC., ET AL.,	)	
Counter-Plaintiff,	)	
	)	
v.	)	
	)	
PROVISUR TECHNOLOGIES,	)	
INC.,	)	
Counter-Defendant.	)	
	)	

CONFIDENTIAL

VIDEO DEPOSITION OF KEVIN DUESTERHAUS
February 9, 2024
9:03 a.m.

Reporter: Mark Arndt, CSR, CCR, RPR
CSR No. 084-004711
CCR No. 1398

DIGITAL EVIDENCE GROUP
1730 M Street, NW, Suite 812
Washington, D.C. 20036
(202) 232-0646

1 [9:03 a.m.]

2 THE VIDEOGRAPHER: This is the video
3 deposition of Kevin Duesterhaus in the matter of
4 Provisur Technologies, Incorporated, versus Weber
5 Incorporated, et al, and Weber Incorporated, et al,
6 versus Provisur Technologies, Incorporated.

7 Today's date is February 9th, 2024, and the time
8 is 9:03 AM Central Time. My name is James Arndt, and I
9 am the videographer. The court reporter is Mark Arndt.

10 Counselors, will you please introduce yourselves
11 and your affiliations and the witness will be sworn.

12 MR. BABBITT: Good morning. My name's
13 Mike Babbitt, and I'm with Mitch Feldhake. Both of us
14 are from Willkie Farr & Gallagher, and we represent the
15 plaintiff Provisur.

16 Also with Taylor Concannon Hausmann from Husch
17 Blackwell also representing Provisur.

18 MR. HORTON: And good morning. Hunter
19 Horton with Erise IP on behalf of Weber.

20 MR. VU: Khoa Vu with Erise IP on behalf
21 of Weber.

22 MR. LEIKER: And Jason Leiker with Levy

1 Craig also for Weber.

2

3 The witness, KEVIN DUESTERHAUS, first having
4 been duly sworn, testified as follows:

5 EXAMINATION

6 BY MR. BABBITT:

7 Q. Good morning, Kevin.

8 A. Good morning, Mike.

9 Q. Welcome back.

10 A. Thank you.

11 Q. Can you please state your full name and
12 job title for the record?

13 A. Kevin Duesterhaus with Weber. I'm a key
14 account manager.

15 Q. And you've worked for Weber for about 20
16 years?

17 A. Going on close to 22 now.

18 Q. 22. Congratulations.

19 You remember I deposed you back in January of
20 2022?

21 A. Yes.

22 Q. And you recall you were under oath during

1 your previous deposition?

2 A. Yes.

3 Q. Did you tell the truth during your
4 previous deposition?

5 A. Yes, I believe I did.

6 Q. You told me back then that you been
7 deposed in an employment case once before.

8 Do you remember that issue?

9 A. Yes, I do.

10 Q. Do you know the name of the employee that
11 was involved?

12 A. That employee was [REDACTED].

13 Q. And what was his role?

14 A. He was a service technician at the time.

15 Q. Do you recall the nature of his
16 allegations?

17 A. I believe it had to do with not -- I think
18 it was -- really, I'm not sure. I'd have to go back
19 and look to see exactly what the nature was.

20 [REDACTED]

[REDACTED]

[REDACTED]

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1 it's -- to me it's a big selling point on a Textor
2 slicer.

3 Q. Do you think Weber's removable conveyor
4 cassette drives the sale of slicing lines that include
5 that feature?

6 MR. HORTON: Object to form.

7 A. I think it's a big benefit. It's a very
8 open design machine and quick to disassemble. I think
9 that's important for some of my customers.

10 BY MR. BABBITT:

11 Q. A customer's not buying a slicing line
12 because of the removal of conveyor cassette, though,
13 are they?

14 MR. HORTON: Object to form.

15 A. I don't know about that.

16 BY MR. BABBITT:

17 Q. You're not aware of any Weber customer
18 that's bought an entire slicing line because of a
19 removable conveyor cassette, are you?

20 MR. HORTON: Object to form.

21 A. I don't -- in the end I don't know what
22 decisions made them purchase that machine.

1 BY MR. BABBITT:

2 Q. You don't know why your customers buy your
3 machines?

4 MR. HORTON: Object to form.

5 A. I give them a lot of reasons to buy our
6 machines, but the overwhelming reason, I'm not sure.

7 BY MR. BABBITT:

8 Q. Okay.

9 So in the end it's just hard for you to say why
10 a customer buys a slicing line?

11 MR. HORTON: Object to form.

12 A. Could be maybe they like me. I don't
13 know, but I think it's pretty safe to say that the
14 overall design of the machine, including the removable
15 cassettes, is probably a good reason to purchase that
16 machine.

17 BY MR. BABBITT:

18 Q. Have you ever had a customer buy a slicing
19 line because of a derinder product?

20 MR. HORTON: Object to form.

21 A. Buy a slicing line because of a derinder
22 product? I don't know. I've never sold one because of

1 C E R T I F I C A T E

2 I, Mark Arndt, a Certified Shorthand Reporter
3 and Certified Court Reporter, do hereby certify that
4 KEVIN DUESTERHAUS, prior to the commencement of the
5 examination, was sworn by me on February 9, 2024, to
6 testify the truth, the whole truth and nothing but the
7 truth.

8 I DO FURTHER CERTIFY that the foregoing is a
9 true and accurate transcript of the proceedings as
10 taken stenographically by and before me at the time,
11 place and on the date hereinbefore set forth.

12 I DO FURTHER CERTIFY that I am neither a
13 relative nor employee nor attorney nor counsel of any
14 of the parties to this action, and that I am neither a
15 relative nor employee of such attorney or counsel, and
16 that I am not financially interested in this action.

17

18

19

20

MARK ARNDT, CSR, CCR, RPR

21

CSR NO. 084-004711

22

CCR NO. 1398

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1 Kevin Duesterhaus, c/o
Erise IP

2 7015 College Boulevard, Suite 700
Overland Park, KS 66211

3

4 Case: Provisur Technologies, Inc., v. Weber, Inc., et al.
Date of deposition: February 9, 2024

5 Deponent: Kevin Duesterhaus

6

7 Please be advised that the transcript in the above
8 referenced matter is now complete and ready for signature.
9 The deponent may come to this office to sign the transcript,
10 a copy may be purchased for the witness to review and sign,
11 or the deponent and/or counsel may waive the option of
12 signing. Please advise us of the option selected.
13 Please forward the errata sheet and the original signed
14 signature page to counsel noticing the deposition, noting the
15 applicable time period allowed for such by the governing
16 Rules of Procedure. If you have any questions, please do
17 not hesitate to call our office at (202)-232-0646.

18

19

20 Sincerely,

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3
4 SIGNATURE PAGE
Case: Provisur Technologies, Inc., v. Weber, Inc., et al.
5 Witness Name: Kevin Duesterhaus
Deposition Date: February 9, 2024

6
7 I do hereby acknowledge that I have read
and examined the foregoing pages
8 of the transcript of my deposition and that:

9
10 (Check appropriate box):
() The same is a true, correct and
11 complete transcription of the answers given by
me to the questions therein recorded.
12 () Except for the changes noted in the
attached Errata Sheet, the same is a true,
13 correct and complete transcription of the
answers given by me to the questions therein
14 recorded.

15
16 _____
17 DATE WITNESS SIGNATURE

18
19
20
21 _____
22 DATE NOTARY

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5

6 ERRATA SHEET

7

8 Case: Provisur Technologies, Inc., v. Weber, Inc., et al.

9 Witness Name: Kevin Duesterhaus

10 Deposition Date: February 9, 2024

11 Page No. Line No. Change

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21

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Signature_____
Date