

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

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PROVISUR TECHNOLOGIES, INC.,) Civil Action No.
) 5:21-CV-06113
) Plaintiff,
))
) v.
))
WEBER, INC., et al.,))
) Defendants.
))
) and
))
WEBER, INC., et al.,) CONFIDENTIAL
) Counter-Plaintiffs,
))
) v.
))
PROVISUR TECHNOLOGIES, INC.,))
) Counter-Defendant.
))
-----x

VIDEOTAPED DEPOSITION OF JÖRG SCHMEISER
FRANKFURT, GERMANY
TUESDAY, FEBRUARY 27, 2024
8:56 A.M.

Reported by: Leslie A. Todd, CSR No. 5129 and RPR

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

1 Deposition of JÖRG SCHMEISER, held at the
2 offices of:

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5 WILLKIE BARR & GALLAGHER

6 An der Welle 4

7 Frankfurt am Main, Germany

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13 Pursuant to notice, before Leslie Anne Todd,
14 California Certified Shorthand Reporter in and for
15 the State of California, who officiated in
16 administering the oath to the interpreter.

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1 A P P E A R A N C E S

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3 ON BEHALF OF PLAINTIFF AND COUNTER-DEFENDANT:

4 MICHAEL G. BABBITT, ESQUIRE

5 KEATON SHEELER, ESQUIRE

6 WILLKIE FARR & GALLAGHER, LLP

7 300 North LaSalle

8 Chicago, Illinois 60654

9 (312) 728-9059

10

11 ON BEHALF OF DEFENDANT AND COUNTER-PLAINTIFF:

12 ADAM SEITZ, ESQUIRE

13 ERISE IP

14 7015 College Boulevard, Suite 700

15 Overland Park, Kansas 66211

16 (913) 777-5611

17

18 JASON S. LEIKER, ESQUIRE

19 LEVY CRAIG LAW FIRM

20 4520 Main Street, Suite 400

21 Kansas City, Missouri 64111

22 (816) 460-1835

1 APPEARANCES (Continued):

2

3 ALSO PRESENT:

4 REINER SCHLEICHER, German interpreter

5 FRANK CLARE, Videographer

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

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3 THE VIDEOGRAPHER: This is file
4 number 1 of the videotaped deposition of Jörg
5 Schmeiser taken by plaintiff and counter-defendant
6 in the matter of Provisur Technologies,
7 Incorporated, versus Weber, Incorporated, et al.,
8 and Weber, Incorporated, et al., versus Provisur
9 Technologies in the United States District Court
10 for the Western District of Missouri, St. Joseph
11 Division, Case No. -- hold on a second -- Civil
12 Action No. 5:21-CV-06113.

13 This deposition is being held at
14 Willkie Farr & Gallagher LLP, Frankfurt, Germany,
15 on February 27, 2024. The time on the video
16 screen is 8:56 a.m.

17 My name is Frank Clare. I am the
18 legal videographer for Digital Evidence Group.
19 The court reporter is Leslie Todd in association
20 with Digital Evidence Group.

21 Will counsel please identify
22 yourselves and state who you represent, beginning

1 with the questioning attorney.

2 MR. BABBITT: Good morning. My name
3 is Michael Babbitt, and with me is Keaton Sheeler,
4 both from Willkie Farr, on behalf of plaintiff
5 Provisur Technologies.

6 MR. SEITZ: And this is Adam Seitz and
7 Jason Leiker on behalf of defendant Weber.

8 THE VIDEOGRAPHER: Thank you.

9 The witness has already been sworn in.
10 The court reporter will swear in the interpreter,
11 and examination may begin.

12 (Interpreter sworn.)

13 EXAMINATION

14 BY MR. BABBITT:

15 Q Good morning. Can you please state
16 your full name and job title for the record.

17 A My name is Jörg Schmeiser, and I'm
18 the chief business development officer of Weber
19 Food Technology GmbH.

20 Q And how long have you worked for
21 Weber or its related companies?

22 A Since June 2012.

1 Q And I guess as a point of
2 clarification, I understand you had worked for
3 Textor in the past, and is it all right today if
4 I refer to your work at Textor and Weber as
5 working for the Weber companies?

6 A That's okay. I had different roles
7 and different involvements at different times,
8 but in large, I think for the sake of this case,
9 it's okay.

10 Q Thank you.

11 Now, Mr. Schmeiser, you remember that
12 you've been deposed in this case two times?

13 A I've been deposed one time I think in
14 this case and one time in an IPR case.

15 Q Okay. And then for the purposes of
16 today too, I'll consider that -- those
17 depositions as part of the same, let's say,
18 dispute between the parties.

19 A Okay.

20 Q You recall you were under oath during
21 your previous depositions?

22 A Yes.

1 technology. Is that your testimony?

2 A My testimony is that -- that if I
3 look to see the Weber patents, I would perceive
4 at least to core technology, and too I think you
5 can have go-round solutions. I would not say --
6 I wouldn't say go-around solutions. I would call
7 it alternative solutions to reach similar
8 results.

9 Q So do you think the Weber removable
10 conveyor cassette patents are core technologies?

11 A I think this is -- from my personal
12 opinion, this is a solution where Provisur could
13 have easily done a different design to reach
14 similar results, and that's why I would not
15 perceive it as a core technology. It's a
16 conveyor. You know, it's -- it's not a core
17 technology.

18 Q Are you aware that Provisur had
19 removable conveyor cassettes in its PowerMax
20 products prior to Weber's patents?

21 A No.

22 Q No, you're not aware?

1 THE VIDEOGRAPHER: This concludes
2 today's testimony given by Jörg Schmeiser. The
3 six original media files will be retained by
4 Digital Evidence Group. We're off the record at
5 5:12 p.m.

6 (Whereupon, the deposition of
7 JÖRG SCHMEISER was concluded
8 at 5:12 p.m.)

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1 CERTIFICATE OF CERTIFIED SHORTHAND REPORTER

2 The undersigned Certified Shorthand Reporter
3 does hereby certify:

4 That the foregoing proceeding was taken before
5 me at the place and time therein set forth, at
6 which time the witness was duly sworn; That the
7 testimony of the witness and all objections made at
8 the time of the examination were recorded
9 stenographically by me and were thereafter
10 transcribed, said transcript being a true and
11 correct copy of my shorthand notes thereof; That
12 the dismantling of the original transcript will
13 void the reporter's certificate.

14 In witness thereof, I have subscribed my name
15 this date: February 29, 2024.

16

A handwritten signature in cursive script that reads "Leslie A. Todd". Below the signature, the name "LESLIE A. TODD" is printed in a small, sans-serif font.

17 LESLIE A. TODD, CSR, RPR

Certificate No. 5129

18 (The foregoing certification of
19 this transcript does not apply to any
20 reproduction of the same by any means,
21 unless under the direct control and/or
22 supervision of the certifying reporter.)

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1 Jörg Schmeiser, c/o
ERISE IP

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

3
4 Case: Provisur Technologies, Inc., v. Weber, Inc., et al.
Date of deposition: February 27, 2024
5 Deponent: Jörg Schmeiser

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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4 SIGNATURE PAGE

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

5 Witness Name: Jörg Schmeiser

Deposition Date: February 27, 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
13 attached Errata Sheet, the same is a true,
14 correct and complete transcription of the
 answers given by me to the questions therein
 recorded.

15

16

17 DATE

WITNESS SIGNATURE

18

19

20

21

22 DATE

NOTARY

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6 ERRATA SHEET

8 Case: Provisur Technologies, Inc., v. Weber, Inc., et al.
9 Witness Name: Jörg Schmeiser
10 Deposition Date: February 27, 2024

11	Page No.	Line No.	Change
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21 _____

22 Signature _____ Date _____