

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

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

CONFIDENTIAL
VIDEO DEPOSITION OF
JOSEF MAYER
Frankfurt, Germany
Friday, January 26, 2024
8:33 a.m.

Reported by: FREDERICK WEISS, CSR, CM

DIGITAL EVIDENCE GROUP
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Washington, D.C. 20036
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1 A P P E A R A N C E S

2

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17 ALSO PRESENT:

18

Frank Clare, The Videographer

19

Nathan Byers, Patent Agent ERISE IP

20

21 THE INTERPRETER:

22

Reiner Schleicher

Page 7

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

2 (8:33 a.m.)

3 THE VIDEOGRAPHER: This is File Number 1
4 of the videotaped deposition of Josef Mayer taken by
5 Plaintiff and Counter-Defendant in the matter of Provisur
6 Technologies Incorporated versus Weber, Incorporated
7 et al., and Weber, Incorporated, et al., versus Provisur
8 Technologies Incorporated in the United States District
9 Court for the Western District of Missouri, St. Joseph
10 Division, Civil Action Number 5:21-cv-06113.

11 This deposition is being held at Willkie
12 Farr & Gallagher LLP in Frankfurt, Germany on January 26,
13 2024. The time on the screen is 8:34 a.m.

14 My name is Frank Clare. I am the legal
15 videographer from Digital Evidence Group. The court
16 reporter is Frederick Weiss in association with Digital
17 Evidence Group.

18 Will counsel please identify yourselves
19 and state who you represent beginning with the
20 questioning attorney.

21 MR. FELDHAK: My name is Mitchell
22 Feldhake here for Willkie Farr & Gallagher on behalf of

Page 8

1 Plaintiff and Counter-Defendant Provisur Technologies,
2 Inc. Also with me in the room is Adriana Morton and
3 Ren-How Harn, also from Willkie, on behalf of Provisur.

4 MS. BADER: And my name is Carrie Bader
5 of Erise IP on behalf of Defendants and
6 Counter-Plaintiffs Weber Food Technology GmbH and Weber,
7 Inc., and also with me are Christina Canino and Nathan
8 Byers also of Erise IP.

9 THE VIDEOGRAPHER: Thank you.

10 The court reporter will administer the
11 oath to the interpreter and examination may begin.

12 WHEREUPON -

13 REINER SCHLEICHER,
14 Certified Interpreter, affirmed that he would translate,
15 to the best of his knowledge and ability, from the
16 English language to the German language and from the
17 German language to the English language.

18 WHEREUPON -

19 JOSEF MAYER,
20 Called as a witness by counsel for the Plaintiff and
21 Counter-defendant, after having been previously sworn,
22 testified as follows:

1 EXAMINATION

2 BY MR. FELDHAKE:

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

5 A. My name is Josef Mayer. And the job
6 title is development engineer.

7 Q. Thank you. Mr. Mayer, have you ever
8 been deposed before?

9 A. No.

10 Q. So I am just going to go over a few
11 ground rules for depositions. That way we are on the
12 same understanding of how this will work. So I will ask
13 questions today, and you will give me answers.

14 And you understand that you should
15 answer my questions unless your counsel instructs you not
16 to answer the question. Do you understand?

17 A. Okay.

18 Q. Please let me know if you don't
19 understand any of the questions or if you would like me
20 to clarify.

21 A. Yes.

22 Q. And we have an interpreter here today to

1 these two drive components.

2 And that exactly was the requirement of
3 the original specification, to have a smart and easy
4 solution, easy to handle for the operators.

5 BY MR. FELDHAKE:

6 Q. Were two-lane conveyor belt systems
7 known before the '687 patent?

8 A. Yes.

9 MS. BADER: Object to form.

10 BY MR. FELDHAKE:

11 Q. Are there any additional difficulties
12 when using a removable conveyor in a two-lane system?

13 A. I haven't seen a two lane removable
14 conveyor before. The -- more than one lane executions
15 had a direct connection to a cabinet that was normally
16 placed on the right-hand side, which is the nonoperator
17 side of a production line.

18 Or if -- in case of a two lane or a
19 multiplane execution, the standard technology for that,
20 too, was to go for a shaft-in-shaft system.

21 So the conveyor frame itself was, in
22 that case, no longer removable. So the technical

Page 207

1 solution here, which we achieved with the TS700, was
2 from, my point of view, completely new, because the array
3 of space underneath the base assembly group gave enough
4 room to implement the drive motor in a mirrored way
5 compared to the one lane execution.

6 So no hollow shaft design was needed.
7 And there are -- yeah. It's a mirrored -- exactly
8 mirrored version of a standard one lane execution of such
9 a removable conveyor system.

10 Q. How familiar are you with Provisur
11 products?

12 A. I am not familiar with that.

13 Q. Do you know what is the SX330?

14 A. SX 3 --

15 THE INTERPRETER: SX.

16 THE WITNESS:

17 A. No.

18 BY MR. FELDHAKE:

19 Q. Do you know what is the SX380 slicer?

20 A. I have heard that number, but I didn't
21 dig into any specifications or information.

22 Q. Do you know what is the SX550 slicer?

Page 277

1 enable the operators who are standing beside the
2 thermoformer and beside that conveyor belt to take over
3 the portions by hand and bring it into the pack.

4 And for sure, the -- most of the lines
5 are sold as a complete automatic line version. That
6 means there's a -- right after the slicer, the scale, a
7 rocker system to recheck portions that don't fulfill the
8 requirements for the weight of the portion.

9 We check them out of the normal product
10 stream, and the rest will be transported on a loader
11 system, like the Shingle loader from GEA, as you
12 mentioned, and bring them in line above the --

13 (Court reporter clarification.)

14 THE WITNESS:

15 A. GEA, G-E-A.

16 -- above the thermoformer to the loading
17 zone of the thermoformer, and even doing the loading
18 automatically, because all the drives are synchronized by
19 the control system.

20 BY MR. FELDHAKKE:

21 Q. In your opinion, what drives customers
22 to buy a slicing line?

Page 278

1 A. Yeah.

2 MS. BADER: Object to form.

3 THE WITNESS:

4 A. In the meantime -- I am not a sales guy.

5 I only hear about some requirements when it comes to a
6 new development or to new development requirements.

7 So once we discuss what is needed by
8 customers, I hear about those requirements.

9 But using my experience, they want to
10 reduce labor at the automatic line because, even in that
11 area, the customers have problems to find people to work
12 in that cold environment. This is one argument, one
13 motivation.

14 And the next is, the more automation you
15 have, the higher the level of hygenic handling of the
16 portion is given.

17 BY MR. FELDHAKE:

18 Q. Would a slicing line have any value if
19 it didn't have a slicer on it?

20 A. If there is no slicer, it's not a
21 slicing line.

22 Q. So would it have any value?

Page 279

1 MS. BADER: Object to form.

2 THE WITNESS:

3 A. I don't understand the question.

4 Because when you talk about a slicing line and there is

5 no slicer, then it is not a slicing line. It is an

6 uncomplete set of line components.

7 BY MR. FELDHAKE:

8 Q. So would you say a slicer is the most
9 important part of a slicing line?

10 A. Of a slicing line.

11 MS. BADER: Object to form.

12 THE WITNESS:

13 A. It is better, normally a slicing line
14 starts.

15 BY MR. FELDHAKE:

16 Q. I am sorry. Did you say it is where
17 normally a slicing line starts?

18 A. Or with which -- it is the first
19 component a slicing line would start. There are other
20 components that might be positioned in front of a slicer.
21 So in that case, the slicing line starts, for example,
22 with a product press or with an external scanner.

Page 280

1 But that depends on the production line
2 itself, what the customer likes to order or likes to
3 have.

4 Q. And not all slicing lines require a
5 weigh conveyor, right?

6 MS. BADER: Object to form.

7 THE WITNESS:

8 A. A weigh conveyor? At which position,
9 you mean?

10 BY MR. FELDHAKE:

11 Q. Anywhere in the slicing line. Not all
12 slicing lines require a weigh conveyor, right?

13 MS. BADER: Object to form.

14 THE WITNESS:

15 A. There might be some not using a
16 checkweigher.

17 BY MR. FELDHAKE:

18 Q. Have you ever seen a slicing line that
19 doesn't use a checkweigher?

20 A. Yes.

21 Q. Would you agree that in a slicing line,
22 the packaging machine might substantially create the

Page 281

1 value of that slicing line?

2 MS. BADER: Object to form.

3 THE WITNESS:

4 A. You mean only the packaging machine
5 creates the value?

6 BY MR. FELDHAKKE:

7 Q. Yes.

8 A. No, I cannot confirm that, because it's
9 the whole pack.

10 Q. Would you -- strike that.

11 Are you aware of any slicing lines where
12 the packaging machine is the most important component of
13 that slicing line?

14 MS. BADER: Object to form.

15 THE WITNESS:

16 A. There might be some production lines
17 where product loaded manually to that thermoformer. In
18 that case, I would agree that such a production line has,
19 as the most important component, the thermoformer.

20 But as soon as the whole production line
21 is a sum of a lot of line components, starting with
22 the -- for example, a slicer, but it can also be a

Page 282

1 former -- a former and filler device to create minced
2 meat.

3 And having additional line components,
4 conveyors or loaders, then each and every component is
5 like a chain. The chain can only work if every part of
6 the chain does its job correctly.

7 And once one of the line component has a
8 failure, the complete line has a stop, a complete
9 breakdown.

10 So it's -- it is -- in most of the
11 cases, so that the thermoformer is requiring the highest
12 investment, right, the production line will only work
13 sufficiently for the customer if every line components or
14 every line component is doing its job right.

15 BY MR. FELDHAKE:

16 Q. And you said that sometimes customers
17 will have another removable conveyor belt unit to
18 exchange the conveyor belt units; is that right?

19 A. What do you mean with other conveyors?

20 Q. Like a second to exchange? You said
21 that they would exchange the conveyor belt?

22 A. If we talk about the removable conveyor

1 system of the TS700, you mean?

2 Q. Yes.

3 A. Yes.

4 Q. About how much does one of those
5 exchangeable conveyor belt units cost?

6 A. I don't know the cost that are charged
7 for a customer when he likes to have a second set of
8 conveyor.

9 Q. Would you guess that it's less than
10 \$10,000?

11 A. Yes.

12 Q. Would you guess that -- I am sorry. I
13 will switch to Euro.

14 Would you guess that it's less than
15 5,000?

16 MS. BADER: Object to form.

17 THE WITNESS:

18 A. It depends on the conveyor. A very
19 small one, for example, a portioning conveyor, is cheaper
20 than a 600-millimeter-long conveyor. And I assume the
21 cost for that product support conveyor, right in front of
22 the cutting edge, is even more expensive then.

1 But I don't know the figures.

2 BY MR. FELDHAKE:

3 Q. Okay.

4 A. That's not my task to define those
5 figures.

6 Q. Do you know about how much a Textor
7 slicing line costs?

8 A. In the meantime, there were so many
9 options available, it is something around 200, 300,000
10 Euro. But again, I have to say I don't know exactly the
11 figures.

12 Q. Are you aware of any customer who would
13 not have bought a slicing line if that slicing line did
14 not have a removable conveyor belt unit in it?

15 MS. BADER: Object to form.

16 THE WITNESS:

17 A. No, I haven't heard about that.

18 BY MR. FELDHAKE:

19 Q. Because you don't interact with
20 customers, right?

21 A. I am normally not in contact with
22 customers, and I don't get feedbacks from those

1 conversations.

2 Q. And so no one buys an entire slicing
3 line just to get a removable conveyor belt unit in it,
4 right?

5 MS. BADER: Object to form.

6 THE WITNESS:

7 A. This is just a guess.

8 BY MR. FELDHAKE:

9 Q. But what is the guess?

10 A. The guess is --

11 MS. BADER: Object to form.

12 THE WITNESS:

13 A. -- that -- that removable conveyor is
14 important for the TS700. But if a customer prefers to
15 have a different solution, it is not related to the
16 removable conveyor system.

17 I think it's more or less than related
18 to the complete budget of a production line, and not only
19 of that feature of the removable conveyor which is
20 implemented in the TS700.

21 BY MR. FELDHAKE:

22 Q. Do you know who is Rudy Koelewyn?

Page 337

1 CERTIFICATE OF COURT REPORTER

2 I, Frederick Weiss, CM, CSR, do hereby certify
3 that I took the stenotype notes of the foregoing
4 deposition and that the transcript thereof is a true and
5 accurate record transcribed to the best of my skill and
6 ability.

7 I further certify that I am neither
8 counsel for, related to, nor employed by any of
9 the parties to the action in which this deposition
10 was taken, and that I am not a relative or
11 employee of any attorney or counsel employed by
12 the parties hereto, nor financially or otherwise
13 interested in the outcome of the action.

14 Dated this 30th day of January, 2024.

15

16

17

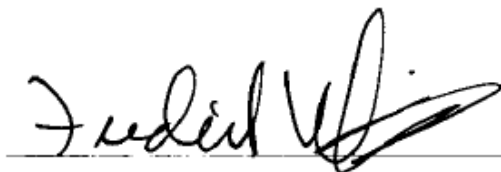
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21

22 FREDERICK WEISS, CSR, CM

A handwritten signature in black ink, appearing to read "Frederick Weiss", is written over a horizontal line.

Page 338

1 Josef Mayer, c/o
ERISE IP

2 7015 College Blvd. Ste. 700
Overland Park, KS 66211

3

4 Case: Provisur Technologies, Inc., v. Weber, Inc., et al.
Date of deposition: January 26, 2024

5 Deponent: Josef Mayer

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.

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20 Sincerely,

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4 SIGNATURE PAGE
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5 Witness Name: Josef Mayer
Deposition Date: January 26, 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:

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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.
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attached Errata Sheet, the same is a true,
13 correct and complete transcription of the
answers given by me to the questions therein
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6 ERRATA SHEET

7

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

9 Witness Name: Josef Mayer

10 Deposition Date: January 26, 2024

11 Page No. Line No. Change

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13

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