

1 UNITED STATES PATENT AND TRADEMARK OFFICE
2 BEFORE THE PATENT TRIAL AND APPEAL BOARD

3 PROVISUR TECHNOLOGIES, INC.,

4 Petitioner,

5 vs.

Case No. IPR2024-00224

U.S. Patent No. 9,457,487

6 TEXTOR MASCHINENBAU GMBH,

7 Patent Owner.

8
9 DEPOSITION OF DR. JOHN M. COLLINS
10 Taken on behalf of the Patent Owner

11 October 24, 2024

12 Sandra Tippins, CCR

13 (The deposition began at 8:50 a.m.)
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INDEX OF EXAMINATION

QUESTIONS BY:

PAGE NO.

MR. HART

5

MR. FELDHAKE

59

INDEX OF EXHIBITS MARKED

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(No exhibits were marked.)

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U.S. Patent No. 9,457,487

6 TEXTOR MASCHINENBAU GMBH,

7 Patent Owner.

8 DEPOSITION OF DR. JOHN M. COLLINS,

9 produced, sworn, and examined on the 24th day of

10 October, 2024, between the hours of nine o'clock in

11 the forenoon and five o'clock in the afternoon of

12 that day, via Zoom, before SAUNDRA TIPPINS, a

13 Notary Public, and Certified Court Reporter within

14 and for the States of Missouri and Kansas, in a

15 certain cause now pending before the U.S. Patent

16 and Trademark Office, Before the Patent Trial and

17 Appeal Board, wherein PROVISUR TECHNOLOGIES, INC.

18 is the Petitioner, and TEXTOR MASCHINENBAU GMBH is

19 the Patent Owner.
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A P P E A R A N C E S (by Zoom)

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1 IT IS HEREBY STIPULATED AND AGREED,
2 by and between counsel for Petitioner and counsel
3 for Patent Owner that the deposition of DR. JOHN M.
4 COLLINS may be taken in shorthand by Sandra
5 Tippins, a notary public and shorthand reporter,
6 and afterwards transcribed into typewriting; and
7 the signature of the witness is expressly reserved.

8

9

* * * * *

10 THE REPORTER: Would you like an
11 electronic transcript, rough draft, realtime and
12 three-day delivery?

13 MR. HART: Yes.

14 THE REPORTER: Would you like an
15 electronic transcript and a realtime feed?

16 MR. FELDHAKE: Yes.

17

* * * * *

18

19 DR. JOHN M. COLLINS,
20 of lawful age, produced, sworn and examined on
21 behalf of Patent Owner, deposes and says:

22

EXAMINATION

23 QUESTIONS BY MR. HART:

24

25 Q Good morning, Dr. Collins. Can you
please state your full name for the record to get
us started.

1 **A Sure. My name is John Malloy**
2 **Collins, Jr.**

3 Q And I know you've been deposed at
4 least a couple of times by me, so I'll avoid the
5 rules again. But I would just like to remind you
6 that Sandra can only capture one of us speaking
7 at a time. I will do my best to not speak over
8 you, and I would ask that you return the favor.

9 If I ever do begin speaking, asking a
10 question before you have finished an answer,
11 please let me know so that I can let you finish
12 your prior answer.

13 All right. Is there any reason, medical
14 or otherwise, you would be unable to answer my
15 questions fully and truthfully today?

16 **A Nope, not that I'm aware of.**

17 Q Very good. Let's begin.

18 Do you have access to your supplemental
19 declaration in this proceeding, Exhibit 1040?

20 **A I do. I can open it up now.**

21 Q Very good.

22 **A It's open.**

23 Q Okay, can you give you turn to page
24 31.

25 **A Pdf 31?**

1 Q Branded page 31, paragraph 44 is where
2 I'm going to start.

3 A I'm there.

4 Q All right. From paragraph 44 to 57 in
5 your supplemental declaration, you discuss ground
6 one, which is an anticipation ground based on
7 Konishi. Is that correct?

8 A That's correct.

9 Q Can I have you turn to paragraph 47 on
10 branded page 43.

11 A I'm there.

12 Q All right. In paragraph 47 you state,
13 As shown in my first declaration, Konishi
14 anticipates this claim limitation. Konishi
15 clearly discloses a conveyor that can be installed
16 and/or removed without requiring tools.

17 Skipping a couple of sentences you say, A
18 POSA would have understood that the weight and
19 frictional forces at play would have kept the
20 removable conveyor belt unit in place.

21 Do you see that?

22 A I do.

23 Q Okay. Does Konishi describe any
24 physical mechanism of security of its conveyor
25 belt unit during operation other than weight and

1 frictional forces?

2 MR. FELDHAK: Objection to form.

3 A I'd have to go back and reread Konishi
4 to answer that, but certainly it shows how to
5 install and remove a conveyor without needing
6 tools.

7 Q (By Mr. Hart) Okay. And when you
8 state that weight and frictional forces at play
9 would have kept the removable conveyor belt unit
10 in place, what do you mean by that?

11 A What I mean by that is that given the
12 forces that are at play, when this unit is
13 operating, it's running, that the conveyor unit
14 will stay in place and operate.

15 Q So in ground one, have you relied upon
16 any physical mechanisms that secure Konishi's
17 conveyor belt during operation other than weight
18 and frictional forces?

19 MR. FELDHAK: Objection, form.

20 A Again, I believe that Konishi will
21 stay in place during operation due to the weight
22 and friction. It doesn't -- it doesn't need a
23 latch.

24 Q (By Mr. Hart) Okay. And you have not
25 analyzed within ground one any physical

1 mechanisms such as latches that might be used to
2 hold Konishi's conveyor belt in place during
3 operation. Is that right?

4 **A I don't recall -- go back and reread**
5 **the claims, but I don't recall the claims**
6 **requiring any type of latch.**

7 Q And I'm just trying to understand the
8 scope of your opinion with respect to ground one
9 here.

10 **A Right. And the scope of my opinion is**
11 **based on the language of the claims and my read of**
12 **that is there's absolutely no requirement for --**
13 **for a latch in the claims.**

14 Q And based on your understanding of the
15 claims in ground one, you have not proposed adding
16 any securing mechanisms to Konishi's conveyor belt
17 unit, have you?

18 **A They're not needed. They operate, and**
19 **they don't need a separate latch. And again, I**
20 **don't read that a separate latch is required by**
21 **the claims.**

22 Q Have you proposed adding any securing
23 mechanisms to Konishi's conveyor belt unit in
24 ground one?

25 **A In ground one I was responding to the**

1 claim terms that don't require a latch, so I would
2 not have added something that would be irrelevant
3 relative to the claims.

4 Q Can I have you turn a few pages to
5 your discussion of ground two that begins on
6 branded page 35 in Exhibit 1040.

7 A (Witness complies.) I see that.

8 Q What is the obviousness theory that
9 you are advancing in ground two?

10 A As it says, that Konishi and Lindee,
11 in light of the knowledge of a person skilled in
12 the art, renders the proposed claim 25 to 34
13 obvious.

14 Q Let's turn to branded page 37. And I
15 want to take a look at paragraph 62.

16 A (Witness complies.)

17 Q In paragraph 62, you state that
18 Konishi clearly discloses a conveyor mount that
19 does not require tools to install or remove the
20 conveyor. A POSA would have understood that in
21 addition to its weight, friction resulting from
22 forces that react the belt tension forces would
23 keep the removable conveyor belt in place at any
24 weight.

25 Do you see that?

1 **A I do.**

2 Q Is this starting point the same as
3 what we just discussed with respect to ground one,
4 that it's your opinion Konishi's conveyor belt
5 unit would stay in place during operation with no
6 additional mechanical securing means?

7 MR. FELDHAK: Objection, form.

8 **A Yeah. I'm not sure what you mean by**
9 **starting point, but I think the way you've**
10 **summarized it is fair.**

11 Q (By Mr. Hart) Can I have you turn the
12 page, take a look at paragraph 64 on branded page
13 38.

14 **A (Witness complies.)**

15 Q The beginning of paragraph 64 you
16 state, Additionally, a POSA would have been aware
17 of other prior art that teaches toolless
18 installation and removal.

19 Do you see that?

20 **A I do.**

21 Q In a first example, you mention the
22 Lee reference, and you identify Lee's barrel bolt
23 latch teaching.

24 Do you see that?

25 **A I do.**

1 Q In ground two, have you proposed
2 modifying Konishi's system pursuant to Lee?

3 MR. FELDHAK: Objection to form.

4 A Again, my read of the claims, that no
5 latch is required, but certainly a person of
6 ordinary skill, knowing the art, if they wanted to
7 add a latch, if they're -- you know, it's well
8 within the skill of the art.

9 Lee teaches how to do that. Lee teaches,
10 for example, that you don't need a latch, but if
11 you wanted to prevent inadvertent removal of a
12 conveyor, then you can add a latch.

13 Q (By Mr. Hart) Have you proposed
14 modifying Konishi's system pursuant to Lee within
15 ground two?

16 MR. FELDHAK: Same objection.

17 A No. Again, the claim did not require
18 the latch, so I did not add that. But if the
19 claims had required a latch, it would have been
20 obvious.

21 Q (By Mr. Hart) In ground two, do you
22 describe a modified implementation of Konishi's
23 system pursuant to the teaching of Lee?

24 A No, I didn't. I mean, adding --
25 adding a latch as Lee did is a very simple

1 **addition. It doesn't really need much in the way**
2 **of a description.**

3 Q Okay. So you have not discussed how
4 one of skill in the art would have added or
5 modified Konishi's system pursuant to the
6 teachings of Lee within ground two. Is that
7 right?

8 A Well, I talk in my report about a
9 whole host of ways that it would have been obvious
10 to a person of ordinary skill to add a latch.

11 Q And I'm trying to understand the scope
12 of ground two that you have discussed in your
13 supplemental declaration, Exhibit 1040.

14 Does ground two capture a modification of
15 Konishi's system pursuant to the teachings of
16 Lee?

17 A I'll basically repeat what I've said
18 before, that the claims do not require a latch,
19 and therefore in my discussion I did not disclose
20 adding a latch because it was irrelevant.

21 But also in my report I made it clear that
22 adding a latch would have been an obvious thing
23 if a -- if a POSA wanted to do that, to ensure
24 that a conveyor wasn't accidentally or
25 prematurely moved by a user.

1 Q And where have you -- it sounds
2 like -- maybe let me just ask some clarifying
3 questions to make sure I understand your answers
4 here.

5 It sounds like your primary opinion is
6 that a latch is unnecessary, but you suggest that
7 you've advanced a backup theory that would rely
8 on a latch just in case the claims are construed
9 to require that. Is that accurate?

10 MR. FELDHAK: Objection to form.

11 A I have not posed a theory on the -- on
12 the claims because the claims don't require a
13 latch. And all I did do later is to say that, you
14 know, latches, adding a latch would have been very
15 obvious for a person of ordinary skill if they
16 wanted to make sure that a conveyor wasn't
17 accidentally moved -- removed.

18 Q (By Mr. Hart) And where do you
19 advance that later theory that you just
20 described?

21 A So I list a whole bunch of design
22 options for adding a latch, starting at branded
23 page 19, going through 22, section I, I guess, or
24 L.

25 Q So from paragraph 26 through paragraph

1 33, you describe what you title obvious design
2 options. Is that right?

3 **A That's correct.**

4 Q And are those descriptions intended to
5 be captured within ground two?

6 MR. FELDHAKE: Objection, form.

7 **A They're not -- they're not needed in**
8 **ground two because ground two -- none of the**
9 **claims require a latch.**

10 Q (By Mr. Hart) Okay. So you have this
11 section, obvious design options, but you are not
12 intending these design options to be part of
13 ground two. Is that correct?

14 MR. FELDHAKE: Same objections.

15 **A Well, I think you've got to read**
16 **everything in context, that what I was describing**
17 **in ground two is responsive to the claim language**
18 **that does not require a latch.**

19 **But if you wanted to add a latch, it would**
20 **have been an obvious and easy thing for a POSA to**
21 **do.**

22 Q (By Mr. Hart) Does ground two include
23 any of these obvious design options?

24 MR. FELDHAKE: Objection, form.

25 **A These all would have been obvious in**

1 **the context of the prior art.**

2 Q (By Mr. Hart) Does ground two include
3 any of these obvious design options?

4 MR. FELDHAK: Same objection.

5 A Well, ground two is titled Konishi and
6 Lindee in light of the knowledge of -- Konishi and
7 Lindee in light of the knowledge of a POSA renders
8 obvious proposed claims 25 to 34. And above this,
9 I describe what a POSA would know about, about a
10 latch.

11 Q Are you finished with your answer,
12 Dr. Collins?

13 A Yes.

14 Q So I'm going to ask it again to make
15 sure I understand your testimony here.

16 The obvious design options described from
17 paragraph 26 through 33 in your supplemental
18 declarations, are any of those design options
19 intended to be captured within ground two?

20 MR. FELDHAK: Objection to form,
21 cumulative.

22 A Again, ground two is focused on the
23 claim language that does not require a latch. But
24 it also talks about what a POSA, the knowledge of
25 a POSA, and a POSA would certainly know how to add

1 **a latch, as I've described here, if they wanted**
2 **to.**

3 Q (By Mr. Hart) But you have not
4 proposed adding a latch within ground two?

5 A **There's no need for a latch to -- in**
6 **the claims.**

7 Q And you have not proposed any other
8 physical securing mechanisms added to Konishi's
9 conveyor belt system within ground two. Is that
10 correct?

11 A **Using the latch term broadly to have**
12 **something that prevents the conveyor from being**
13 **lifted inadvertently. But as I've described,**
14 **Konishi does not require any additional mechanism**
15 **to secure it in place. It's secured in place. It**
16 **will stay in place during operation, and then it**
17 **can be removed by hand.**

18 Q Within ground two, have you opined as
19 to whether a POSA would have been motivated to add
20 a physical securing mechanism to Konishi's
21 conveyor belt unit?

22 MR. FELDHAKE: Objection, form.

23 A **Could you repeat the question, please?**

24 Q (By Mr. Hart) Sure. Within ground
25 two, have you offered an opinion as to whether a

1 POSA would have been motivated to add a physical
2 securing mechanism to Konishi's system?

3 A Yeah. I do describe in paragraph 64
4 that Lee, as an example, describes a latch. And
5 if you read Lee, the latch is there to prevent
6 accidental removal of the conveyor.

7 Q Is that opinion part of ground two?

8 MR. FELDHAKE: Objection to form.

9 Q (By Mr. Hart) Let me rephrase my
10 question.

11 Have you discussed whether a POSA would
12 have been motivated to modify Konishi pursuant to
13 Lee or any of the other physical securing
14 mechanism references discussed here?

15 MR. FELDHAKE: Objection to form.

16 A I don't remember where in my report,
17 but I've certainly referenced that a POSA, if a
18 POSA were worried about the accidental lifting of
19 a conveyor, that they could have added a latch.
20 And that's taught by, for example, Lee.

21 Q (By Mr. Hart) And is that discussion
22 part of ground two?

23 A That is all information that would be
24 well known to a person of ordinary skill in the
25 art, and that's included in ground two.

1 Q Right, but have you advanced an
2 expressed opinion regarding motivation to modify
3 Konishi within ground two?

4 A I'll go back, and just repeating
5 myself, that there is no reason to talk about a
6 latch relative to the claims because the claims do
7 not require a latch. But if they had, then it
8 would have been very obvious to add a latch.

9 And the motivation has been discussed that
10 you don't need it during operation, but if you
11 wanted to prevent the inadvertent removal of the
12 conveyor, you can add a latch very simply.

13 Q The motivation has been discussed.
14 I'm asking, has that been discussed specifically
15 in relation to ground two?

16 A I don't understand your question
17 because we've talked about this. Ground two is
18 responsive to the claims in the patent, and what
19 I've described is how a POSA would understand
20 those -- those claims, that they're clearly
21 disclosed by Konishi and Lindee, together with the
22 knowledge of a person of ordinary skill would
23 certainly know how to add -- be motivated to add a
24 latch if they were worried about the inadvertent
25 removal of the conveyor, not -- it's not needed

1 **for operation.**

2 Q Right. So I know you've discussed a
3 lot of subject matters within your supplemental
4 declaration, and I'm really trying to bucket those
5 opinions. That's the point of my questions here.

6 And so I'm asking specifically with
7 respect to ground two. And let me come at this
8 question from a different angle to see if I can
9 get a little more clarity because I'm not quite
10 following your explanation of ground two's scope.

11 In ground two, are you relying on any
12 physical components that are described in any
13 reference other than Konishi and Lindee?

14 MR. FELDHAKE: Objection, form.

15 A **Konishi and Lindee disclose all of the**
16 **elements that are in claim two. And certainly**
17 **coupled with a person of ordinary skill that**
18 **understands, you know, generally how to make these**
19 **things, then that's included as well.**

20 Q (By Mr. Hart) So I have the benefit
21 of realtime. Your answer was, Konishi and Lindee
22 disclose all of the elements that are in claim
23 two.

24 A **I'm sorry. Ground two.**

25 Q All of the claims that are challenged

1 within -- by ground two?

2 A I meant ground two, yes, thank you.

3 Q All right, very good. I'll have you
4 turn to branded page 52, starting with paragraph
5 96 in Exhibit 1040.

6 A I'm there.

7 Q So this begins your discussion of
8 ground three.

9 Can you describe the makeup of ground
10 three for me.

11 A As titled, it describes that
12 McLaughlin, in light of the knowledge of a POSA,
13 renders obvious the proposed claims 25 to 34.

14 Q Okay.

15 A In paragraph 100 on the next page,
16 branded page 53, you state about halfway through
17 that paragraph that we see on page 53, A POSA
18 would have appreciated that the interconnecting
19 fit between the two components would be designed
20 to be tight enough to not require any additional
21 tools to lock the conveyor belt unit to the
22 substructure.

23 As I explained in my first declaration in
24 paragraph 230, a POSA would have designed the
25 conveyor such that it was held in place by

1 gravity alone.

2 Do you see that?

3 A I do.

4 Q Is it your opinion within ground three
5 that McLaughlin's conveyor belt unit does not
6 require any additional securing mechanisms to hold
7 it in place during operation?

8 MR. FELDHAKE: Objection to form.

9 A And here I think that I wasn't
10 complete, because there's friction that also in
11 addition to gravity that holds it in place. So I
12 should have added that, and that that combination
13 of gravity and friction holds it in place during
14 operation, so there is no need for any additional
15 latch to secure it in place while operating.

16 But again, a POSA may want to add one if
17 they were worried about the accidental
18 inadvertent removal of a conveyor.

19 Q Does your opinion in ground three
20 propose any specific modifications to McLaughlin?

21 A I'm going to basically answer the same
22 way, that I'm responding to the claim language.
23 The claim language does not require a secondary
24 latch, but if they -- if they did, it would have
25 been obvious to a person of ordinary skill to add

1 **it.**

2 Q And what specific additions to
3 McLaughlin's system have you proposed and
4 discussed within ground three?

5 A **I don't believe McLaughlin needs any**
6 **additions to meet all the limitations that's cited**
7 **in the claims in ground three.**

8 Q Okay, so ground three does not rely on
9 any physical mechanisms outside of McLaughlin's
10 teaching. Is that accurate?

11 MR. FELDHAKE: Objection to form.

12 A **It does also rely on the person of**
13 **ordinary skill to be able to implement that, but**
14 **nothing specific.**

15 Q (By Mr. Hart) And asking that same
16 question with regard to ground two that we
17 discussed a moment ago, ground two does not rely
18 on any physical mechanisms outside of Konishi and
19 Lindee's teachings to satisfy the claims. Is
20 that right?

21 MR. FELDHAKE: Objection to form.

22 A **Yeah, those teachings in combination**
23 **with what a person of ordinary skill would know.**

24 **And again, I think the whole issue of a**
25 **latch being required is just a flat out error**

1 that, my understanding, Dr. Reinholtz's put
2 forward as a flawed theory around what his
3 analysis was.

4 His analysis was just wrong that he didn't
5 include all of the forces. And he came to the
6 conclusion that under certain operating
7 conditions, the conveyor would pop up. And he
8 was just flat out wrong, and a POSA would know
9 that.

10 Q And we'll get to that portion of your
11 supplemental declaration. For now I'm just trying
12 to understand essentially what I need to respond
13 to for grounds two and three.

14 Am I correct that grounds two and three do
15 not rely on any physical mechanisms taught by any
16 reference other than the named references in
17 those grounds, Konishi, McLaughlin and Lindee?

18 MR. FELDHAK: Objection to form.

19 A Yeah, in combination with what a
20 person of ordinary skill would know.

21 Q (By Mr. Hart) And maybe I should dig
22 into that knowledge of a POSA component.

23 Do the combinations in -- or do the
24 theories in ground two and ground three rely on
25 any physical mechanisms that are captured by the

1 knowledge of a POSA?

2 **A No, just the -- the cited references**
3 **and the way, you know, you need some skill to**
4 **combine those references. And those skills are**
5 **well within that of a person of ordinary skill.**

6 Q So for ground two, it's your theory
7 that the physical descriptions in Konishi, the
8 physical descriptions in Lindee and implementation
9 by a POSA satisfy the claims. Is that right?

10 **A Yes.**

11 Q And the POSA is not adding any
12 physical mechanisms from any other reference as
13 part of that implementation. Is that right?

14 MR. FELDHAKE: Objection to form.

15 **A I don't know if I can -- I'm not sure**
16 **I can answer that in general terms. I'd need more**
17 **specifics.**

18 Q (By Mr. Hart) I'm just trying to
19 understand whether your ground two opinions
20 depend on any -- or advance any theories that
21 additional mechanisms, physical mechanisms, that
22 are not described in Konishi or Lindee would be
23 part of that obviousness combination.

24 MR. FELDHAKE: Same objection.

25 **A Yeah. Basically it's the teaching of**

1 **those references that describes everything. And**
2 **then obviously the combination would be something**
3 **that could be easily handled by a person of**
4 **ordinary skill. And if that person wanted to add**
5 **a latch for whatever reason, that would be**
6 **something that would be very easy to do. It's not**
7 **required in the claims.**

8 Q **(By Mr. Hart) And for ground three,**
9 **McLaughlin in light of the knowledge of a POSA,**
10 **it's your opinion that -- sorry, let me start**
11 **over.**

12 Your opinion you have advanced with
13 respect to ground three relies upon physical
14 components described in McLaughlin and no other
15 physical components. Correct?

16 MR. FELDHAKE: Objection to form.

17 A **Well, again, I've given examples of**
18 **what a POSA would know, just rather than just**
19 **waving my hands.**

20 Q **(By Mr. Hart) Does ground three rely**
21 **on any physical components not described in**
22 **McLaughlin to satisfy the claims?**

23 MR. FELDHAKE: Same objection.

24 A **I'm having trouble understanding how**
25 **my answer wasn't responsive.**

1 Q (By Mr. Hart) I asked another
2 question.

3 A I thought it was the same, so I
4 apologize. If you want to re-ask the question.

5 Q Sure. In ground three, are you
6 relying upon any physical mechanisms other than
7 those described by McLaughlin?

8 A Well, as I described, I described what
9 McLaughlin teaches to one of ordinary skill, and
10 that's basically all that's needed to practice the
11 claims.

12 And I give some examples of what a POSA
13 would understand. And that kind of helps set the
14 stage for the information that a POSA would be
15 able to bring to the situation in implementing
16 McLaughlin.

17 Q But there is no specific modification
18 to McLaughlin's system that you have proposed and
19 described within ground three. Is that right?

20 MR. FELDHAKE: Objection, form.

21 A Yes. What I describe in ground three
22 is how McLaughlin, in combination with the person
23 of ordinary skill, practices all of the claims
24 cited in ground three.

25 Q (By Mr. Hart) As part of that

1 analysis, have you proposed and described any
2 specific modification to McLaughlin's system?

3 MR. FELDHAKE: Same objection.

4 A Again, I describe in ground three how
5 if someone wanted to add a latch, they could do
6 it. I gave all the examples and the obvious
7 design choices, as well as some of the other prior
8 art.

9 Q (By Mr. Hart) Are there any
10 combinations of McLaughlin and any other
11 reference that you intend to be captured by
12 ground three?

13 A No, just McLaughlin in light of the
14 person -- knowledge of a person of ordinary skill.

15 Q And within the knowledge of a person
16 of ordinary skill, have you proposed and described
17 any specific modifications, physical
18 modifications, to McLaughlin's system that you
19 intend to be captured by ground three?

20 A I don't believe any are needed.

21 Q Have you described and proposed them?

22 A I have not because I don't think any
23 are needed.

24 Q Can I have you turn to paragraph 137
25 on branded page 69 of Exhibit 1040.

1 **A I'm there.**

2 Q Paragraph 137 begins your description
3 of ground five. Is that right?

4 **A Correct.**

5 Q Ground five was not discussed in your
6 original declaration, was it?

7 **A That's correct.**

8 Q It is a new theory of obviousness that
9 you are advancing for the first time in your
10 supplemental declaration. Right?

11 **A In response to the Motion to Amend,**
12 **yes.**

13 Q What is the theory of obviousness that
14 you advance in ground five?

15 **A That the combination of McLaughlin and**
16 **Herman. Together with the knowledge of a person**
17 **of ordinary skill. Makes obvious the claims 25 to**
18 **34.**

19 Q In ground five, are you proposing a
20 physical modification to the McLaughlin system?

21 MR. FELDHAK: Objection, form.

22 **A Again, I don't believe that any**
23 **modifications to McLaughlin are required. But if**
24 **a latch were deemed to be needed in the claims,**
25 **the combination of McLaughlin and the latch**

1 **disclosed by Herman would meet that, but again I**
2 **don't think it's needed.**

3 Q (By Mr. Hart) Let me ask it this way.
4 What is the difference between ground three and
5 ground five?

6 A **Primarily it's the combination with**
7 **Herman that discloses a latch to prevent the**
8 **conveyor from inadvertently being moved.**

9 Q So unlike ground three, in ground five
10 you are proposing and describing a specific
11 modification of McLaughlin's system. Is that
12 right?

13 A **There is a specific one in claim -- in**
14 **ground five, correct.**

15 Q And not in ground three. Correct?

16 A **In ground three it's described by the**
17 **general knowledge of a person of ordinary skill.**

18 Q But you have not proposed and
19 described a specific modification to McLaughlin's
20 system in ground three. Correct?

21 MR. FELDHAK: Objection, form.

22 A **I didn't, and it wasn't needed.**

23 Q (By Mr. Hart) If I wanted to
24 understand how you're proposing that Herman's
25 latch is incorporated into McLaughlin's conveyor

1 belt unit, where would you point me?

2 **A The easiest way of looking at it is on**
3 **paragraph 143 and the image below and description**
4 **of 144 that talks about the latch disclosed in**
5 **Herman that is a very simple toggle or swinging**
6 **latch with a handle that is moved by hand if**
7 **someone wanted to modify McLaughlin to add that**
8 **secondary latch.**

9 **Q Now, do you describe in these**
10 **paragraphs 143 and 144 how Herman's latch would be**
11 **incorporated into McLaughlin's system?**

12 **A I don't go into specific details.**
13 **It's a very simple change that would be well**
14 **understood by a person of ordinary skill.**

15 **Q Do you describe anywhere in the ground**
16 **five section of your supplemental declaration how**
17 **Herman's latch would be incorporated into**
18 **McLaughlin's system?**

19 **A It's obvious to a person of ordinary**
20 **skill how to put a simple latch like that, so I**
21 **didn't need to. Even looking at these pictures,**
22 **it's very easy to implement that in McLaughlin.**

23 **Q And so you did not describe how**
24 **Herman's latch would be incorporated into**
25 **McLaughlin's system. Is that your testimony?**

1 **A No, it's not my testimony at all. I**
2 **describe here's a latch and just apply it to**
3 **McLaughlin. That would have been something very**
4 **easy for a person of ordinary skill to implement.**

5 **Q And where do you describe**
6 **incorporating Herman's latch into McLaughlin's**
7 **system?**

8 **A Yeah. So combination of what I**
9 **describe in paragraph 144 and 145. In 145 again**
10 **it says it would have been obvious to a POSA to**
11 **use the concept of Herman's toolless latch with**
12 **McLaughlin's removable conveyor.**

13 **Q Would the combination of McLaughlin**
14 **and Herman require any physical components from**
15 **any other references?**

16 **MR. FELDHAK: Objection to form.**

17 **A Again, it would be combined with the**
18 **knowledge of a person of ordinary skill for**
19 **implementation.**

20 **Q (By Mr. Hart) What types of physical**
21 **modifications would be required?**

22 **A Just to put a little hook on the frame**
23 **of McLaughlin as taught by Herman.**

24 **Q Could I have you turn to branded page**
25 **80 of Exhibit 1040.**

1 **A (Witness complies.) I'm there.**

2 Q Toward the bottom you state, A POSA
3 would have added a spring to the latch to bias the
4 latch --

5 **A I'm sorry, I'm trying to find out**
6 **where you are.**

7 Q Four lines up from the bottom on
8 branded page 80.

9 **A I see it, okay.**

10 Q A POSA would have added a spring to
11 the latch to bias the latch in the closed
12 direction, locking the latch and removable
13 conveyor belt unit.

14 Do you see that?

15 **A Yes.**

16 Q Does Herman describe a bias spring?

17 **A I don't believe that it does, but**
18 **certainly that would be something that a person of**
19 **ordinary -- ordinary skill would understand.**

20 Q Does McLaughlin describe a bias
21 spring?

22 **A McLaughlin, I don't recall that.**

23 Q I want to talk about how Herman's
24 latch works. Can I have you turn back to branded
25 pages 72 and 73 where you include those figures

1 from the Herman reference, figures six, seven and
2 eight.

3 A (Witness complies.) Okay, I'm there.

4 Q Can you explain how Herman's latch
5 holds its conveyor belt unit onto Herman's
6 machine?

7 A Sure. So in Herman's machine there's
8 a frame, and that frame has two rods that stick
9 out, if you will perpendicular to the page, and
10 that conveyor then is -- there are holes in the
11 conveyor. And that conveyor then slots, slides,
12 if you will, into and out of the page as you're
13 looking at the drawing.

14 And then there's a notch in the -- in one
15 of the rods so that when the conveyor is pushed
16 fully in, the latch can go down, and it holds
17 itself or is engaged in the notch, and that
18 prevents the conveyor from moving back out.

19 Q Back out toward me as I'm reading or
20 as I'm looking at the figure?

21 A Correct.

22 Q Is Herman's latch 90 part of the
23 machine frame or the conveyor unit?

24 A Well, the latch has the hook and
25 then -- and then the slot. So it's the

1 combination of the piece on the conveyor with the
2 piece on the -- on the frame that holds the
3 conveyor in place relevant to the frame.

4 Q What is latch 90 bolted to?

5 A The conveyor frame.

6 Q The apparatus that is removed from the
7 supporting rods. Is that right?

8 A That's correct.

9 Q So you testified that Herman's latch
10 90 prevents the conveyor belt unit from being
11 removed or from sliding off the page in the
12 direction of the reader. Is that right?

13 A That's correct.

14 Q What prevents the conveyor belt from
15 moving in the Y direction, from lifting up and out
16 of place?

17 A Well, just to be clear, so if we have
18 an XYZ coordinate system, so X would be
19 horizontal, Y would be vertical relative to the
20 page, and then Z would be coming, coming out of
21 the page. Is that fair?

22 Q Yes. And with -- that's very helpful.
23 And so let me rephrase my questions to make sure
24 we're on the same page.

25 As depicted in these figures, Herman's

1 latch 90 prevents the conveyor belt unit from
2 moving in the Y direction, correct? I'm sorry
3 let me -- you laid it out so clearly, and I got
4 it wrong immediately.

5 As depicted in these figures, Herman's
6 latch 90 prevents the conveyor belt unit from
7 moving in the Z direction. Correct?

8 **A That's correct, into and out of the**
9 **page.**

10 Q And what prevents Herman's conveyor
11 belt unit from moving in the Y direction?

12 **A Both the rods hold the conveyor**
13 **relative to the frame in the X/Y plane, so both on**
14 **the X direction and in the Y direction.**

15 Q The rods prevent movement in the Y
16 direction and the X direction?

17 **A Yes, correct.**

18 Q Does Herman's latch 90 rotate as it is
19 engaged and disengaged? Does it rotate in the Z
20 direction at all?

21 **A Well, typically you talk about**
22 **rotation and you talk about the axis of rotation.**
23 **So the axis of rotation in this case is in the**
24 **Z -- is in the Z direction.**

25 Q Yeah. And so that means the actual

1 movement of the latch is going to be in the X/Y
2 plane?

3 **A That's correct.**

4 Q Even an electrical engineer can get
5 some of this.

6 All right, I'm going to move on to a new
7 topic. Why don't we take a quick break.

8 (Recess.)

9 Q (By Mr. Hart) Welcome back,
10 Dr. Collins. Can I have you turn to branded page
11 104 in Exhibit 1040.

12 **A (Witness complies.) I'm there.**

13 Q And on page 104, this begins your
14 discussion of ground six. Correct?

15 **A Correct.**

16 Q What is the theory of obviousness you
17 advance in ground six?

18 **A It's the combination of Konishi and I**
19 **believe it's Matthews renders obvious the claims**
20 **25 to 34.**

21 Q Are you proposing a specific physical
22 modification to Konishi's system in ground six?

23 MR. FELDHAKE: Objection to form.

24 **A And by the way, my previous answer, it**
25 **also does include the knowledge of a person of**

1 ordinary skill in the art for implementation, so I
2 left that out.

3 Q (By Mr. Hart) Are you proposing a
4 specific physical modification to Konishi's
5 system in ground six?

6 MR. FELDHAKE: Objection to form.

7 A To Konishi's system? There didn't --
8 there isn't one needed.

9 Q (By Mr. Hart) How does ground two
10 differ from ground six?

11 MR. FELDHAKE: Same objection.

12 A Well, ground two is the combination of
13 Konishi and Lindee as well as the knowledge of a
14 person of ordinary skill in the art versus Konishi
15 and Matthews.

16 Q (By Mr. Hart) And if we focus on the
17 toolless removal and installation limitation, how
18 does ground two differ from ground six?

19 A It really doesn't because Konishi
20 describes the toolless removal. So Konishi alone
21 meets that limitation.

22 Q What is the purpose of Matthews in
23 ground six?

24 A The purpose was to add an example of
25 in addition to having a toolless removal, having

1 the option of including a latch to hold it in
2 place. Again, I don't think that's required by
3 the claims.

4 Q In the proposal, to add a latch based
5 on the teaching of Matthews is something that
6 distinguishes ground six from ground two.
7 Correct?

8 A Well, no, because both grounds are
9 focused on the claims, and the claims do not
10 require a latch.

11 Q What's the point of ground six?

12 MR. FELDHAK: Objection, form.

13 A It's another example.

14 Q (By Mr. Hart) How does it differ from
15 ground two with respect to the toolless removal
16 and installation limitation?

17 A It doesn't, because again Konishi
18 alone teaches the toolless removal and
19 installation.

20 Q Is it your opinion that there would
21 have been no motivation to add a latch to
22 Konishi's system?

23 MR. FELDHAK: Objection to form.

24 A There's no need to add a latch to
25 Konishi's system. But a POSA would know from all

1 the prior art that -- well, first an operation is
2 not needed.

3 If you wanted to prevent the inadvertent
4 removal or movement of the conveyor, then you
5 could add a latch if you wished, which would be
6 very easy to do.

7 Q (By Mr. Hart) What would motivation
8 be to add a latch to Konishi's system, if any?

9 A The only motivation I can think of is
10 to prevent the inadvertent or accidental movement
11 of the conveyor.

12 Q And have you discussed that motivation
13 within ground six?

14 A Until paragraph 222, at the bottom,
15 the last sentence it says, It would have been
16 obvious to modify Konishi to include the concept
17 of Matthews latch to provide additional security
18 so that Konishi's removable conveyor is not
19 accidentally lifted out of place.

20 Q And you go on to describe a specific
21 physical modification of Konishi's system pursuant
22 to the teachings of Matthews in ground six.
23 Correct?

24 A Well, it's the combination with
25 Matthews.

1 Q Do you describe a specific physical
2 modification of Konishi's system pursuant to the
3 teachings of Matthews in ground six?

4 MR. FELDHAK: Objection to form.

5 A **Again, it's an implementation. Taking**
6 **what's taught in Matthews and implementing that in**
7 **Konishi is something well within the skill of a**
8 **person of ordinary skill.**

9 Q (By Mr. Hart) Okay. It's within the
10 skill of a person of skill in the art. But have
11 you described and proposed that physical
12 modification in ground six?

13 A **I didn't feel I needed to.**

14 Q And why is that?

15 A **Because it's such a simple change.**

16 Q If I set aside the fact that you don't
17 believe you described it and didn't need to
18 describe it, have you proposed a physical
19 modification to Konishi's system pursuant to
20 Matthews in ground six?

21 A **Yes. Use the latch configuration of**
22 **Matthews and implement it in Konishi.**

23 Q And was that same proposal captured in
24 ground two?

25 A **The combination was with Lindee, so**

1 ground two didn't have anything to do with
2 Matthews.

3 Q Very good. Can I have you turn to
4 branded page 115, paragraph 231.

5 A (Witness complies.) I'm there.

6 Q Okay. Here you provide some short
7 description of how Matthews' latch system might be
8 incorporated into Konishi.

9 Can you describe how Matthews' latch
10 system is incorporated into the Konishi conveyor
11 belt unit in ground six?

12 A In the middle it says, A POSA then
13 would have installed Matthews' hook on the
14 permanent structure of the slicer and used it to
15 lock the removable conveyor belt unit after it was
16 installed. These simple design considerations and
17 attachment points would have been well within the
18 skill of a POSA to design.

19 Q You continue in that paragraph, A POSA
20 would have reoriented the latch in a manner that
21 would lock the conveyor belt unit against the
22 specific forces that the removable conveyor belt
23 unit would have seen during operation or
24 accidental contact.

25 Do you see that?

1 **A I do.**

2 Q And you continue on after that
3 sentence, It would have been obvious to add a
4 spring to the hook to bias the hook in the closed
5 direction, locking the hook and removable conveyor
6 belt unit.

7 Do you see that?

8 **A I do.**

9 Q Do either Konishi or Matthews describe
10 a bias spring?

11 **A I don't recall that, but certainly**
12 **that's something that a person of ordinary skill**
13 **would know.**

14 MR. HART: Mitch, this isn't the
15 end of the world, but the camera keeps changing
16 views, and I can only see you now. Is there any
17 way to back that out so I can see the witness?

18 (Off the record.)

19 Q (By Mr. Hart) Back on the record,
20 Dr. Collins. Can I have you turn to branded page
21 108 in Exhibit 1040 where you have reproduced and
22 annotated figure 12 from Matthews.

23 **A Yeah.**

24 Q Of the annotated components that we
25 see on branded page 108, which of those in ground

1 six is incorporated into Konishi's system?

2 MR. FELDHAK: Objection, form.

3 A So Konishi already has a concept of
4 the pins, which are highlighted in purple, and the
5 grooves or slots. So what would be added is the
6 pivoting hook highlighted in yellow.

7 Q (By Mr. Hart) Konishi's system has
8 two separate pins. Correct?

9 A Technically four, two on a side.

10 Q If it were -- if we're thinking of
11 Konishi's system from the viewpoint that we're
12 looking at figure 12 in Matthews here where we're
13 seeing one side of the conveyor belt unit, Konishi
14 has a back pin and a front pin that each slot into
15 their own hooks. Correct?

16 A Correct.

17 Q Are you proposing a modification to
18 the rear hook in Konishi's system?

19 A I just want to make sure I've got my
20 orientation right. So the rear hook is in the
21 slanted slot, just to confirm?

22 Q Yes. Let's use that orientation. The
23 rear hook would be the angled slot, and the front
24 hook would be the vertically oriented slot or hook
25 in Konishi's system. Is that fair?

1 **A Yes. So there's no change required on**
2 **the rear hook and pin.**

3 Q Okay. Is there any change required on
4 the front hook and pin in Konishi's system?

5 **A So the combination would add a**
6 **pivoting hook on the front tab in which the**
7 **vertical slot sits.**

8 Q Are there any other physical
9 modifications to Konishi's system captured within
10 ground six?

11 **A I don't believe so.**

12 Q Let's turn back to branded page 108
13 and talk about how Matthews works.

14 How does the structure that we see here in
15 figure 12 in Matthews serve to secure Matthews'
16 conveyor belt unit during operation?

17 **A So there is a -- the conveyor belt is**
18 **basically a rectangular shape with rounded ends**
19 **that have two pair of pins sticking out, one near**
20 **the front, one near the back. And the -- let's**
21 **see. I don't want to get confused with front and**
22 **rear, so I'll use left and right relative to the**
23 **figure 12.**

24 So the one pin on the -- the pin on the
25 left of the conveyor goes into an open slot

1 groove in the frame. So it will be placed where
2 the pin will be underneath the groove and then
3 pushed up into the groove and then moved to the
4 left. And when it does that, the pin to the
5 right moves into a horizontal slot in the frame.

6 So as they're both seated to the far left,
7 again using X, Y, Z, that the frame itself
8 prevents it from moving in and out of the page in
9 the Z direction. The Y direction holds the pins
10 so they can't move. And the pins can only move
11 in the positive X direction.

12 And then that hook, when it's placed over
13 the pin, prevents the pin to the right and
14 therefore the whole frame from moving in the
15 positive X direction, basically locking it
16 physically in place.

17 Q So there is a groove highlighted in
18 green for the left pin. Correct?

19 A Correct.

20 Q And I believe you testified that the
21 right pin, 141, also slides into a horizontally
22 oriented slot. Is that also correct?

23 A That's correct.

24 Q And those slots, the green groove and
25 the horizontal slot for pin 141, those are going

1 to prevent any vertical Y axis movement of the
2 conveyor belt unit. Correct?

3 **A Once seated yes.**

4 Q So hook 160 does not need to prevent Y
5 axis movement? It doesn't serve to prevent Y axis
6 movement? Right?

7 **A That's correct.**

8 Q Are we, in figure 12, are we seeing
9 all contact points of the conveyor belt unit in
10 the machine, or are there additional contact
11 points to the left in figure 12 that are not
12 depicted here?

13 **A Yeah. There are drive elements that**
14 **aren't depicted here.**

15 Q Have you analyzed what the forces
16 would tend to do to the conveyor belt unit in
17 operation within Matthews?

18 **A No, I've not.**

19 Q All right, let's turn back to
20 paragraph 34 in your supplemental declaration,
21 Exhibit 1040. And that's on branded page 22.

22 **A (Witness complies.) I'm there.**

23 Q In this section starting at paragraph
24 34 and extending to paragraph 42, you analyze some
25 free body diagrams responsive to Dr. Reinholtz's

1 analysis. Is that right?

2 **A That's correct.**

3 Q Can you help me understand just again
4 a start of what your high-level conclusion is from
5 this discussion?

6 **A High-level conclusion is that during**
7 **operation, the conveyor is going to stay in place.**

8 Q And that conclusion applies both to
9 Konishi and McLaughlin. Is that right?

10 **A That's correct.**

11 Q Am I right that you've analyzed forces
12 in both systems due to weight, belt tension and
13 the contact between pin and hooks in Konishi and
14 McLaughlin?

15 **A I believe that's correct.**

16 Q And with regard to the contact between
17 pin and hooks in both systems, you've analyzed
18 friction forces. Is that also right?

19 **A That's correct.**

20 Q And in both systems you conclude that
21 friction forces acting between the -- actually let
22 me take a step back. Let's set the table a little
23 bit with some terminology to make sure we're both
24 on the same page here.

25 Can I have you turn to branded page 25.

1 **A (Witness complies.)**

2 Q Which system is depicted on branded
3 page 25 within paragraph 37?

4 **A That's Konishi.**

5 Q And you have some green force vectors
6 annotated in this figure. Is that right?

7 **A That's correct.**

8 Q Would you explain what those two green
9 force vectors are.

10 **A Sure. So first what I did was I took**
11 **the free body diagram that Dr. Reinholtz had and**
12 **replicated that, and that has the red force**
13 **figures. And then I added to it actually two**
14 **things. One is to calculate the effect of the**
15 **belt tension is important as to what the angle is**
16 **of that belt tension. So I added an angle feed.**

17 **And then there are forces that are acting**
18 **on the front pin, and those forces are -- there's**
19 **a reaction force -- what we call F-react --**
20 **that's needed to counteract the tension caused by**
21 **the belts. Otherwise the whole conveyor would**
22 **just move to the left.**

23 **And as a result of the contact between the**
24 **pin and the slot wall, that reaction force causes**
25 **a friction force if there's movement. So if that**

1 conveyor were to lift up, there would be a
2 friction force that would go in the direction
3 opposite to motion and also the two green arrows.

4 Q So absent the F-react and the
5 F-friction, as the belt tightens and places a
6 force around the pulley that we see on the right
7 side of this diagram, the conveyor belt would be
8 lifted out of that front hook. Correct?

9 A No, because there is a weight of the
10 conveyor that's going to hold it in place.

11 Q The weight of the conveyor holding it,
12 serving to hold it in place, and you are also
13 describing a frictional force that serves to hold
14 it in place as it's operating as the belt tightens
15 and places forces around that pulley. Is that
16 right?

17 A That's correct.

18 Q The larger the belt forces, the larger
19 F-react is. Correct?

20 A That's correct.

21 Q If we set aside F-react and F-friction
22 for this question only, there would be a belt
23 force that could override the weight and lift the
24 conveyor belt out of that front slot. Correct?

25 MR. FELDHAKE: Objection, form.

1 A Well, first, that's not a realistic
2 scenario. You can't neglect it because it's
3 there.

4 Q (By Mr. Hart) I'm just trying to
5 understand all of the forces individually.

6 A That force that causes a torque, which
7 is a -- looking at this picture is a clockwise
8 torque, but that clockwise torque is reacted by
9 the frictional force and the weight force, which
10 is a counterclockwise torque.

11 Q And if that frictional force did not
12 exist, if the coefficient of friction was
13 negligible, there's a belt force pulley in which
14 the conveyor belt could be lifted out of that
15 front slot. Correct?

16 A That's not practical.

17 Q Just theoretically.

18 A Theoretically if -- theoretically
19 friction didn't exist, which I don't accept, that
20 there would be a force. And I've actually looked
21 at that force, and that -- and basically the
22 weight would have to be a small fraction of the
23 tension in the belts, which just isn't practical.

24 Q We don't know the exact weights,
25 dimensions, weights or dimensions of Konishi's

1 conveyor belt unit, do we?

2 **A No, but, you know, a person of**
3 **ordinary skill would certainly understand kind of**
4 **typical values for belt tensions, moving light**
5 **conveyors. And certainly one would not ever**
6 **expect the belt tension forces to be a multiple of**
7 **the weight of the conveyor. That's just not**
8 **practical.**

9 Q Have you -- I want to make sure I
10 understand your testimony here.

11 Have you analyzed the force vectors at
12 play here assuming zero friction in the front
13 hook?

14 **A I have looked at it, sure.**

15 Q Have you described it in your
16 declaration?

17 **A Sure. It's right there. Look to the**
18 **equation on page -- bottom of page 26.**

19 Q Okay.

20 **A Set mu to zero, and you get the weight**
21 **relative to the belt tension T1 and T2.**

22 Q And where do you describe the
23 relationship between belt tension and weight here
24 or the practical relationship between weight and
25 belt tension?

1 A I didn't, because there's no
2 practical -- there's no physical case in which μ
3 is zero, so I didn't bother to describe a
4 theoretically irrelevant condition.

5 Q So you had not described what would
6 happen as belt tension increases in assuming that
7 friction is zero?

8 A Yes, I have. It's there in the
9 equation on page 26. Any POSA would look at that
10 and that just -- again, I chose ratios to make it
11 easy so that the weight at which that force goes
12 to zero compared to the belt tension is given by
13 that equation.

14 And you can plug in numbers and you can
15 plug in μ equals zero again, which is not a
16 practical situation.

17 Q And your testimony today is that there
18 is no practical belt tension that would cause the
19 conveyor belt unit to overcome its weight and lift
20 out of its front slot, even if friction were zero?

21 MR. FELDHAK: Objection to form.

22 A I chose some representative numbers,
23 and I played around with a number of different
24 ones. And for all the things I considered
25 reasonable, I did not see any realistic situation

1 where the belt tension would cause the conveyor to
2 lift.

3 Q (By Mr. Hart) Is your analysis and
4 conclusion the same for McLaughlin starting at
5 paragraph 40?

6 A Yes, it is, with one additional
7 factor, that the -- that there's a vertical
8 distance between -- so if you look at the figure
9 in paragraph 42, there's a vertical distance
10 between the pivot points. I call that T0.

11 And therefore so in Konishi, the reaction
12 force acted through the pin, so it did not create
13 any net torque.

14 In McLaughlin, the pin on the right is
15 lower than the pin on the left, and therefore
16 that causes a clockwise torque.

17 Q That would serve to hold the conveyor
18 belt unit in place --

19 A Correct.

20 Q -- in isolation? In either your
21 McLaughlin or Konishi force analyses here, have
22 you considered vibrational forces that act on the
23 conveyor units when in operation?

24 A I certainly considered them, yes.

25 Q Have you expressly considered them?

1 Have you discussed them?

2 **A I did not discuss them.**

3 Q You would agree that both Konishi's
4 conveyor unit and McLaughlin's conveyor unit would
5 be subject to vibrations during operation?

6 **A Certainly.**

7 Q In what directions would vibrational
8 forces impact the conveyor units of Konishi and
9 McLaughlin?

10 **A Depends on where the vibration comes**
11 **from. It can come from any of the -- from any**
12 **angle. Again, you gotta remember vibrational**
13 **forces are of very short duration. So if they do**
14 **impact the motion of the conveyor at all, it's**
15 **going to -- the displacement is going to be very**
16 **small.**

17 Q Your opinion is that neither Konishi
18 nor McLaughlin's conveyor belt units would need to
19 be physically secured during operation. Correct?

20 **A That's correct. Again, in addition to**
21 **when you say physically secured, I would say that**
22 **they are physically secured, and you don't need an**
23 **additional latch to hold it in place.**

24 Q An additional latch would in fact
25 prevent vibrational forces from displacing them

1 from their contact points. Correct?

2 **A It could, yeah.**

3 Q And that's the purpose of Matthews and
4 Herman in grounds five and six, is to additionally
5 physically secure those conveyor units to ensure
6 they don't pop out of place during operation.
7 Right?

8 MR. FELDHAKE: Objection to form.

9 **A It holds them in place so that a user**
10 **would have to intentionally release the -- a hook**
11 **in order to move the conveyor.**

12 Q (By Mr. Hart) And those latch systems
13 would also prevent inadvertent displacement from
14 vibrational forces. Correct?

15 MR. FELDHAKE: Same objection.

16 **A Again, the hooks could vibrate out as**
17 **well, so not necessarily.**

18 Q (By Mr. Hart) So those two latch
19 mechanisms, the Herman latch mechanism and the
20 Matthews latch mechanism, would be potentially
21 subject to displacement due to vibrational
22 forces. Is that your testimony?

23 **A Well, you're talking hypotheticals, so**
24 **hypothetically sure.**

25 Q Well, vibrational forces are not

1 hypothetical. Those are guaranteed to impact
2 these systems in operation. Correct?

3 **A There will be vibration. The extent**
4 **of the vibration, the direction of vibration, the**
5 **frequency of the vibration, that's all subject to**
6 **the specifics of the design.**

7 **Q Are there physical securing mechanisms**
8 **for removable conveyor belt unit that would**
9 **prevent inadvertent displacement due to**
10 **vibrational forces?**

11 **A Are you asking me about specific**
12 **examples, or are you asking me, for example, about**
13 **kind of the obvious design choices that I had**
14 **discussed?**

15 **Q More generally.**

16 **A Yeah. More generally, those**
17 **spring-loaded latches that I described would**
18 **certainly prevent latches from being dislodged due**
19 **to vibration or getting accidentally knocked.**

20 **Q Absent the springs, the bias springs**
21 **that you've described, would those latches prevent**
22 **against inadvertent displacement due to**
23 **vibrational forces?**

24 **A Sure. I mean, as Lee describes, with**
25 **the bolt, the barrel latch -- everyone has**

1 probably used to those on your screen door. You
2 throw the barrel through, and the handle goes down
3 into a notch that prevents -- so you'd have to
4 have a really set of vibrations to ever get it to
5 move up and move left.

6 That's again very well known in the art.

7 Q And you're describing Lee's system,
8 right, the vertically oriented chain based toaster
9 oven?

10 A I'm describing Lee, that's correct,
11 which had a bolt, a barrel bolt latch as an
12 option. And again, Lee described it not to
13 prevent it from vibrating, not to prevent it from
14 moving during vibration, but to prevent accidental
15 removal.

16 Q In ground five where you've proposed
17 modifying McLaughlin to add a latch from Herman,
18 would you need to add latches from Herman on both
19 sides of McLaughlin's removable conveyor belt
20 unit?

21 A No. One side would be sufficient.

22 Q And same question on ground six.
23 Would you need to add latches from Matthews to
24 both sides of Konishi's removable conveyor belt
25 unit?

1 **A No. One side would be sufficient.**

2 Q All right. That's all I have for you
3 today, Dr. Collins. I appreciate your time.

4 EXAMINATION

5 QUESTIONS BY MR. FELDHAKE:

6 Q Dr. Collins, I have a few followup
7 questions.

8 Please turn to paragraph 155 of
9 Exhibit 1040.

10 **A I'm there.**

11 Q Do you recall earlier today when
12 counsel asked you whether you describe anywhere in
13 the ground five section of your supplemental
14 declaration how Herman's latch would be
15 incorporated into McLaughlin's system?

16 **A Not really.**

17 Q Well, I will represent to you that
18 counsel did ask you that question earlier today.

19 Looking at paragraph 155 of your
20 supplemental declaration, does this paragraph
21 describe how a POSA would implement Herman's
22 latch into McLaughlin's system?

23 MR. HART: Objection, leading.

24 **A Yeah. It certainly does. And**
25 **basically if you look at -- I'm trying to find**

1 where there's a picture of Herman.

2 So as you look as an example, as I
3 described there in figures six, seven and eight
4 on 143, the latch is on the top. That's because
5 the motion is into and out of the page, so that
6 the latch is fine.

7 In the case of -- I guess this is
8 McLaughlin. In the case of McLaughlin, there's a
9 vertical slot. So if you had your -- if you had
10 your hook on top, it would lift. So a person of
11 ordinary skill would know that you just rotate
12 that down to prevent the motion.

13 Q Okay. If I could direct your
14 attention back to paragraph 155. In paragraph 155
15 you stated, A POSA then would have installed
16 Herman's latch on the permanent structure of the
17 slicer and used it to secure the removable
18 conveyor belt unit that it has been -- after it
19 has been installed.

20 Does that accurately reflect your opinion?

21 A Yeah, absolutely.

22 MR. HART: Objection.

23 Q (By Mr. Feldhake) And after that --

24 MR. FELDHAKE: Sorry, Paul?

25 MR. HART: Objection, leading to

1 that prior question.

2 Q (By Mr. Feldhake) And after that
3 sentence you state, Further, if necessary, a POSA
4 would have reoriented the latch in a manner that
5 would have secured the conveyor belt unit against
6 the specific forces that the removable conveyor
7 belt unit would have seen during operation or
8 accidental contact.

9 Does that accurately reflect your opinion?

10 MR. HART: Objection, leading.

11 A Yes. That's what I tried to describe
12 for.

13 Q (By Mr. Feldhake) Would vibrations be
14 considered one of the specific forces seen during
15 operation of a slicer?

16 A Certainly.

17 MR. HART: Objection, leading.

18 Q (By Mr. Feldhake) If you could just
19 give him a moment to object between my questions.
20 Thank you.

21 And then could you please open
22 Exhibit 1006, which is McLaughlin, and turn to
23 column four.

24 A (Witness complies.) I'm there.

25 Q Do you recall earlier today when

1 counsel asked you whether McLaughlin's conveyor
2 unit would be subject to vibrations during
3 operation?

4 **A Generally.**

5 Q In paragraph, or sorry, column four,
6 lines four through seven, do you see where
7 McLaughlin discusses a dampening mechanism?

8 MR. HART: Objection, leading.

9 **A Yes, I do.**

10 Q (By Mr. Feldhake) Does a dampening
11 mechanism help reduce the effects of vibrations?

12 MR. HART: Objection, leading.

13 **A Well, these specifically are vibration**
14 **dampeners, as it says in line 13. So yes, that**
15 **reduces the vibration.**

16 Q (By Mr. Feldhake) And so McLaughlin
17 explicitly teaches a vibration dampening
18 mechanism. Is that correct?

19 **A That's correct.**

20 Q Would it have been within the skill of
21 a person of ordinary skill in the art to implement
22 such a dampening mechanism as of the time of the
23 '487 patent?

24 **A Absolutely. They're very well known**
25 **in the art, simple mechanisms.**

1 MR. HART: Objection, leading to
2 that prior question that I didn't have time to
3 object to.

4 THE WITNESS: I apologize.

5 MR. FELDHAKE: I have no further
6 questions, Dr. Collins. Thank you.

7 MR. HART: Nothing further from
8 patent owner.

9 THE REPORTER: What do you want to
10 do about signature?

11 MR. FELDHAKE: Yes, we'll reserve
12 the right.

13 (The witness was excused, and
14 the deposition ended at 10:36 a.m.)
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1 CERTIFICATE OF REPORTER

2 I, Sandra Tippins, Certified Court Reporter
3 (Missouri) and Certified Shorthand Reporter
4 (Kansas), do hereby certify that the witness whose
5 testimony appears in the foregoing deposition was
6 duly sworn by me pursuant to Section 492.010 RSMo;
7 that the testimony of said witness was taken by me
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9 typewriting under my direction; that I am neither
10 counsel for, related to, nor employed by any of the
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1 I, DR. JOHN M. COLLINS, do hereby certify:

2

3 That I have read the foregoing deposition;

4 That I have made such changes in form

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6 might be necessary to render the same true and

7 correct;

8 That having made such changes thereon, I

9 hereby subscribe my name to the deposition.

10 I declare under penalty of perjury that

11 the foregoing is true and correct.

12

13 Executed the _____ day of _____,

14 20____, at

15 _____.

16

17

DR. JOHN M. COLLINS

18

19

20 My Commission Expires:

21 _____

22 Notary Public:

23 _____

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Errata Sheet

Witness: DR. JOHN M. COLLINS

In Re: PROVISUR TECHNOLOGIES, INC. v. TEXTOR MASCHINEBAU GMBH

Upon reading the deposition and before subscribing thereto, the deponent indicated the following changes should be made:

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Reporter: Sandra Tippins

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Kansas City, Missouri 64108
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October 28, 2024

MR. MITCHELL M. FELDHAKE
WILLKIE, FARR & GALLAGHER, LLP
300 North LaSalle Drive, 50th Floor
Chicago, Illinois 60654

In Re: Provisur Technologies, Inc. vs. Textor Maschinebau GMBH

Dear Mr. Feldhake:

Please find enclosed your copy of the deposition
of DR. JOHN M. COLLINS taken on October 24, 2024,
in the above-referenced case. Also enclosed is
the original signature page and errata sheets.

Please have the witness read your copy of the
transcript, indicate any changes and/or
corrections desired on the errata sheets, and sign
the signature page before a notary public.

Please return the errata sheets and notarized
signature page to Production Department, 1608
Locust Street, Kansas City, Missouri, 64108,
for filing within 30 days of receipt of this
letter.

Thank you for your attention to this matter.

Sincerely,

Saundra Tippins

CC: Mr. Paul Hart

1	3	8	
100 21:15	31 6:24,25 7:1	80 32:25 33:8	added 10:2 13:4 17:8 18:19 22:12 33:3,10 44:5 49:13,16
1006 61:22	33 15:1 16:17		adding 9:15,22 12:24,25 13:20,22 14:14,22 17:4 25:11
104 37:11,13	34 10:12 16:8 21:13 29:18 37:20 47:20,24	9	addition 10:21 13:1 22:11 38:25 55:20
1040 6:19 10:6 13:13 21:5 28:25 32:25 37:11 43:21 47:21 59:9	35 10:6	90 34:22 35:4,10 36:1,6,18	additional 11:6 17:14 21:20 22:6, 14 25:21 40:17 47:10 54:6 55:23, 24
108 43:21,25 45:12	37 10:14 49:3	96 21:5	additionally 11:16 56:4
10:36 63:14	38 11:13	A	additions 23:2,6
115 42:4	4 Dr. John M. Collins	a.m. 63:14	advance 14:19 25:20 29:14 37:17
12 43:22 44:12 45:15,23 47:8,11	40 54:5	absent 50:4 57:20	advanced 14:7 19:1 26:12
13 62:14	42 47:24 54:9	absolutely 9:12 60:21 62:24	advancing 10:9 29:9
137 28:24 29:2	43 7:10	accept 51:19	age 5:19
141 46:21,25	44 7:1,4	access 6:18	agree 55:3
143 31:3,10 60:4	47 7:9,12	accidental 18:6,18 22:17 40:10 42:24 58:14 61:8	AGREED 5:1
144 31:4,10 32:9	487 62:23	accidentally 13:24 14:17 40:19 57:19	Amend 29:11
145 32:9	5	accurate 14:9 23:10	analyses 54:21
155 59:8,19 60:14	52 21:4	accurately 60:20 61:9	analysis 24:3,4 28:1 48:1 54:3
160 47:4	53 21:16,17	act 54:22	analyze 47:24
19 14:23	57 7:4	acted 54:12	analyzed 8:25 47:15 48:11,17 52:11
2	6	acting 48:21 49:17	and/or 7:16
22 14:23 47:21	62 10:15,17	actual 36:25	angle 20:8 49:15, 16 55:12
222 40:14	64 11:12,15 18:3	add 12:7,12,18 13:10 15:19 16:25 17:19 18:1 19:8, 12,23 22:16,25 26:4 28:5 31:7 38:24 39:4,21,24 40:5,8 43:3 45:5 58:17,18,23	
230 21:24	69 28:25		
231 42:4	7		
25 10:12 16:8 21:13 29:17 37:20 48:25 49:3	72 33:25		
26 14:25 16:17 52:18 53:9	73 33:25		

angled 44:23 annotated 43:22, 24 49:6 answers 14:3 anticipates 7:14 anticipation 7:6 apologize 27:4 63:4 apparatus 35:6 applies 48:8 apply 32:2 appreciated 21:18 arrows 50:3 art 10:12 11:17 12:6,8 13:4 16:1 18:25 28:8 38:1, 14 40:1 41:10 58:6 62:21,25 assuming 52:12 53:6 attachment 42:17 attention 60:14 avoid 6:4 aware 6:16 11:16 axis 36:22,23 47:1,5 B back 8:3 9:4 19:4 33:24 34:18,19 37:9 43:17,19 44:14 45:12,20 47:19 48:22 60:14 backup 14:7 barrel 11:22 57:25 58:2,11 based 7:6 9:11,14 39:4 58:8	basically 13:17 22:21 25:25 27:10 45:18 46:15 51:21 59:25 begin 6:9,17 beginning 11:15 begins 10:5 21:7 29:2 37:13 behalf 5:20 belt 7:20,25 8:9,17 9:2,16,23 10:22, 23 11:4 17:9,21 21:21 22:5 31:1 33:13 34:5 35:10, 14 36:1,6,11 42:11,15,21,22 43:6 44:13 45:16, 17 47:2,9,16 48:12 49:15,16 50:5,7,14,18,22, 24 51:13,14 52:1, 4,6,21,23,25 53:6, 12,18,19 54:1,18 55:18 57:8 58:19, 24 60:18 61:5,7 belts 49:21 51:23 benefit 20:20 bias 33:3,11,16,20 43:4,10 57:20 bit 48:23 body 47:25 49:11 bolt 11:22 57:25 58:11 bolted 35:4 bother 53:3 bottom 33:2,7 40:14 52:18 branded 7:1,10 10:6,14 11:12 14:22 21:4,16 28:25 32:24 33:8,	24 37:10 42:4 43:20,25 45:12 47:21 48:25 49:2 break 37:7 bring 27:15 broadly 17:11 bucket 20:4 bunch 14:21 C calculate 49:14 call 49:19 54:10 camera 43:15 capture 6:6 13:14 captured 15:5 16:19 24:25 28:11,19 41:23 45:9 case 14:8 36:23 53:2 60:7,8 caused 49:20 chain 58:8 challenged 20:25 change 31:13 41:15 45:1,3 changing 43:15 choices 28:7 57:13 chose 53:10,22 cited 23:6 25:2 27:24 claim 7:14 10:1,12 12:17 15:17 16:23 20:16,22 22:22,23 30:13 claims 9:5,11,13, 15,21 10:3 12:4, 19 13:18 14:8,12	15:9 16:8 17:6 19:6,18,20 20:25 21:13 23:7,19 25:9 26:7,22 27:11,23 29:17,24 37:19 39:3,9 clarifying 14:2 clarity 20:9 clear 13:21 35:17 clockwise 51:7,8 54:16 closed 33:11 43:4 coefficient 51:12 Collins 5:4,18,23 6:2 16:12 37:10 43:20 59:3,6 63:6 column 61:23 62:5 combination 22:12 23:22 24:19 25:23 26:2 27:22 29:15,25 30:6 32:8,13 35:1 37:18 38:12 40:24 41:25 45:5 combinations 24:23 28:10 combine 25:4 combined 32:17 compared 53:12 complete 22:10 complies 10:7,16 11:14 33:1 34:3 37:12 42:5 47:22 49:1 61:24 component 24:22 components 20:12 21:19 26:14,15,21 32:14 43:24
--	---	---	---

concept 32:11 40:16 44:3	55:4,8,14,18 56:5, 11 57:8 58:19,24 60:18 61:5,6 62:1	deemed 29:24	differ 38:10,18 39:14
conclude 48:20	conveyors 52:5	delivery 5:12	difference 30:4
conclusion 24:6 48:4,6,8 54:4	coordinate 35:18	depend 25:20	dig 24:21
condition 53:4	correct 7:7,8 15:3, 13 17:10 24:14 26:15 29:4,7 30:14,15,20 34:21 35:8,13 36:2,7,8, 17 37:3,14,15 39:7 40:23 44:8, 15,16 46:18,19, 22,23 47:2,7 48:2, 10,15,19 49:7 50:8,17,19,20,24 51:15 54:19 55:19,20 56:1,14 57:2 58:10 62:18, 19	Depends 55:10	dimensions 51:25
conditions 24:7		depicted 35:25 36:5 47:12,14 49:2	direct 60:13
configuration 41:21		deposed 6:3	direction 33:12 35:12,15 36:2,7, 11,14,16,20,24 43:5 46:9,11,15 50:2 57:4
confirm 44:21		deposes 5:20	directions 55:7
confused 45:21		deposition 5:3 63:14	disclose 13:19 20:15,22
considerations 42:16		describe 7:23 12:22 15:1 16:9 18:3 21:9 27:21 28:4 31:9,15,23 32:2,5,9 33:16,20 40:20 41:1,18 42:9 43:9 52:22 53:3 59:12,21 61:11	disclosed 19:21 30:1 31:4
considered 53:24 54:22,24,25 61:14	counsel 5:2 59:12, 18 62:1	describes 18:4 21:11 26:1 38:20 57:24	discloses 7:15 10:18 30:7
construed 14:8	counteract 49:20	describing 15:16 30:10 50:13 58:7, 10	discuss 7:5 55:2
contact 42:24 47:9,10 48:13,16 49:23 56:1 61:8	counterclockwise 51:10	description 13:2 29:2 31:3 42:7	discussed 11:3 13:3,12 18:11,14 19:9,13,14 20:2 23:4,17 29:5 40:12 55:1 57:14
context 15:16 16:1	couple 6:4 7:17	descriptions 15:4 25:7,8	discusses 62:7
continue 42:19 43:2	coupled 20:17		discussion 10:5 13:19 18:21 21:7 37:14 48:5
conveyor 7:15,20, 24 8:5,9,13,17 9:2,16,23 10:18, 20,23 11:4 12:12 13:24 14:16 17:9, 12,21 18:6,19 19:12,25 21:21,25 22:5,18 24:7 30:8, 25 32:12 33:13 34:5,10,11,15,18, 23 35:1,3,5,10,14 36:1,6,10,12 40:4, 11,18 42:10,15, 21,22 43:5 44:13 45:16,17,25 47:2, 9,16 48:7 49:21 50:1,7,10,11,24 51:14 52:1,7 53:19 54:1,17,23	create 54:12	design 14:21 15:1, 11,12,23 16:3,16, 18 28:7 42:16,18 57:6,13	disengaged 36:19
	cumulative 16:21	designed 21:19,24	dislodged 57:18
	D	details 31:12	displacement 55:15 56:13,21 57:9,22
	dampeners 62:14	diagram 49:11 50:7	displacing 55:25
	dampening 62:7, 10,17,22	diagrams 47:25	distance 54:8,9
	declaration 6:19 7:5,13 13:13 20:4 21:23 24:11 29:6, 10 31:16 47:20 52:16 59:14,20		distinguishes 39:6
	declarations 16:18		door 58:1

draft 5:11	examined 5:19	22:8 23:11,21	22,25 57:10,23
drawing 34:13	examples 26:17	24:18 25:14,24	61:6,14
drive 47:13	27:12 28:6 57:12	26:16,23 27:20	form 8:2,19 11:7
due 8:21 48:12	excused 63:13	28:3 29:21 30:21	12:3 14:10 15:6,
56:21 57:9,18,22	Exhibit 6:19 10:6	32:16 37:23 38:6,	24 16:20 17:22
duration 55:13	13:13 21:5 28:25	11 39:12,23 41:4	18:8,15 20:14
	32:25 37:11 43:21	44:2 50:25 53:21	22:8 23:11,21
	47:21 59:9 61:22	56:8,15 59:5	24:18 25:14 26:16
	exist 51:12,19	60:23,24 61:2,13,	27:20 29:21 30:21
E	expect 52:6	18 62:10,16 63:5,	32:16 37:23 38:6
earlier 59:11,18	explain 34:4 49:8	11	39:12,23 41:4
61:25	explained 21:23	figure 34:20 43:22	44:2 50:25 53:21
easiest 31:2	Dr. John M. Collins	44:12 45:15,23	56:8
easily 26:3	explanation 20:10	47:8,11 49:6 54:8	forward 24:2
easy 15:20 26:6	explicitly 62:17	figures 33:25 34:1	fraction 51:22
31:22 32:4 40:6	expressed 19:2	35:25 36:5 49:13	frame 32:22 34:8,
53:11	expressly 5:7	60:3	23 35:2,3,5 36:13
effect 49:14	54:25	find 33:5 59:25	46:1,5,7,14
effects 62:11	extending 47:24	fine 60:6	free 47:25 49:11
electrical 37:4	extent 57:3	finish 6:11	frequency 57:5
electronic 5:11,15		finished 6:10	friction 8:22 10:21
elements 20:16,22	F	16:11	22:10,13 48:18,21
47:13	F-FRICTION 50:5,	fit 21:19	49:25 50:2 51:12,
end 43:15	21	flat 23:25 24:8	19 52:12 53:7,20
ended 63:14	F-REACT 49:19	flawed 24:2	frictional 7:19 8:1,
ends 45:18	50:4,19,21	focus 38:16	8,18 50:13 51:9,
engaged 34:17	fact 41:16 55:24	focused 16:22	11
36:19	factor 54:7	39:9	front 44:14,23
engineer 37:4	888-893-3767 Lexitas operates in all 50 states and is licensed where required Nevada Registration #116F. California Firm Registration #179	followup 59:6	45:4,6,20,21
ensure 13:23 56:5	fair 11:10 35:21	force 49:5,9,12,19,	49:18 50:8,24
equals 53:15	44:25	24,25 50:2,6,13,	51:15 52:12 53:20
equation 52:18	favor 6:8	23 51:6,9,11,13,	full 5:24
53:9,13	feed 5:15 49:16	20,21 52:11 53:11	fully 6:15 34:16
error 23:25	feel 41:13	54:12,21	
essentially 24:12	Feldhake 5:16 8:2,	forces 7:19 8:1,8,	G
exact 51:24	19 11:7 12:3,16	12,18 10:22 24:5	gave 28:6
EXAMINATION	14:10 15:6,14,24	42:22 47:15	general 25:16
5:21 59:4	16:4,20 17:22	48:11,18,21	30:17
	18:8,15 20:14	49:17,18 50:15,18	generally 20:18
		51:5 52:6 54:22	57:15,16 62:4
		55:8,13,25 56:14,	

give 6:23 27:12 61:19 good 5:23 6:17,21 21:3 42:3 gotta 55:12 gravity 22:1,11,13 green 46:18,24 49:5,8 50:3 groove 46:1,2,3, 17,24 grooves 44:5 ground 7:5,6 8:15, 25 9:8,15,24,25 10:5,9 11:3 12:1, 15,21 13:6,12,14 15:5,8,13,17,22 16:2,5,19,22 17:4, 9,18,24 18:7,22, 25 19:3,15,17 20:7,10,11,24 21:1,2,8,9 22:4,19 23:4,7,8,16,17 24:24 25:6,19 26:8,13,20 27:5, 19,21,24 28:4,12, 19 29:3,5,14,19 30:4,5,9,14,15,16, 20 31:15 37:14, 17,22 38:5,9,10, 12,18,23 39:6,11, 15 40:13,22 41:3, 12,20,24 42:1,11 43:25 45:10 58:16,22 59:13 grounds 24:13,14, 17 39:8 56:4 guaranteed 57:1 guess 14:23 60:7 H halfway 21:16	hand 17:17 31:6 handle 31:6 58:2 handled 26:3 hands 26:19 happen 53:6 Hart 5:13,22 8:7, 24 11:11 12:13,21 14:18 15:10,22 16:2 17:3,24 18:9, 21 20:20 23:15 24:21 25:18 26:8, 20 27:1,25 28:9 30:3,23 32:20 37:9 38:3,9,16 39:14 40:7 41:9 43:14,19 44:7 51:4 54:3 56:12, 18 59:23 60:22,25 61:10,17 62:8,12 63:1,7 held 21:25 helpful 35:22 helps 27:13 Herman 29:16 30:1,7 31:5 32:14, 23 33:16 34:1 56:4,19 58:17,18 60:1 Herman's 30:24 31:10,17,24 32:6, 11 33:23 34:4,5,7, 22 35:9,25 36:5, 10,18 59:14,21 60:16 high-level 48:4,6 highlighted 44:4,6 46:17 hold 9:2 22:6 36:12 39:1 50:10, 12,13 54:17 55:23 holding 50:11	holds 22:11,13 34:5,16 35:2 46:9 56:9 holes 34:10 hook 32:22 34:24 42:13 43:4,5 44:6, 18,20,23,24 45:2, 4,6 46:12 47:4 50:8 52:13 56:10 60:10 hooks 44:15 48:13,17 56:16 horizontal 35:19 46:5,25 horizontally 46:21 host 13:9 hypothetical 57:1 hypothetically 56:24 hypotheticals 56:23 I identify 11:22 image 31:3 immediately 36:4 impact 55:8,14 57:1 implement 23:13 31:22 32:4 41:22 59:21 62:21 implementation 12:22 25:8,13 32:19 38:1 41:5 implementing 27:15 41:6 important 49:15 inadvertent 12:11 19:11,24 22:18	40:3,10 56:13 57:9,22 inadvertently 17:13 30:8 include 15:22 16:2 24:5 33:25 37:25 40:16 included 18:25 20:19 including 39:1 incorporated 30:25 31:11,17,24 42:8,10 44:1 59:15 incorporating 32:6 increases 53:6 individually 51:5 information 18:23 27:14 install 8:5 10:19 installation 11:18 38:17 39:16,19 installed 7:15 42:13,16 60:15,19 intend 28:11,19 intended 15:4 16:19 intending 15:12 intentionally 56:10 interconnecting 21:18 irrelevant 10:2 13:20 53:4 isolation 54:20 issue 23:24
--	--	---	---

J	language 9:11 15:17 16:23 22:22,23	54:2 60:10 lifted 17:13 40:19 50:8 51:14	manner 42:20 61:4
John 5:3,18 6:1 Jr 6:2	larger 50:18	lifting 18:18 35:15	matters 20:3
K	latch 8:23 9:6,13, 19,20 10:1 11:23 12:5,7,10,12,18, 19,25 13:10,18, 20,22 14:6,8,13, 14,22 15:9,18,19 16:10,23 17:1,4,5, 11 18:4,5,19 19:6, 7,8,12,24 22:15, 24 23:25 26:5 28:5 29:24,25 30:7,25 31:4,6,8, 10,17,20,24 32:2, 6,11 33:3,4,11,12, 24 34:4,16,22,24 35:4,9 36:1,6,18 37:1 39:1,4,10,21, 24 40:5,8,17 41:21 42:7,9,20 55:23,24 56:12, 18,19,20 57:25 58:11,17 59:14,22 60:4,6,16 61:4	light 10:11 16:6,7 21:12 26:9 28:13 52:4	Matthews 37:19 38:15,22 39:5 40:17,22,25 41:3, 6,20,22 42:2 43:9, 22 44:12 45:13,15 47:17 56:3,20 58:23
kind 27:13 52:3 57:13	latches 9:1 14:14 57:17,18,21 58:18,23	limitation 7:14 38:17,21 39:16	Matthews' 42:7,9, 13 45:15
knocked 57:19	lawful 5:19	limitations 23:6	McLaughlin 21:12
knowing 12:6	leading 59:23 60:25 61:10,17 62:8,12 63:1	Lindee 10:10 16:6, 7 19:21 20:13,15, 21 24:17 25:8,22 38:13 41:25	McLaughlin's 22:5 23:3,9 27:18 28:2, 18 30:11,19,25 31:11,18,25 32:6, 12 55:4,18 58:19 59:15,22 62:1
knowledge 10:11 16:6,7,24 19:22 21:12 24:22 25:1 26:9 28:14,15 29:16 30:17 32:18 37:25 38:13	Lee 11:22 12:2,9, 14,23,25 13:6,16 18:4,5,13,20 57:24 58:10,12	Lindee's 23:19	McLaughlin's 22:5 23:3,9 27:18 28:2, 18 30:11,19,25 31:11,18,25 32:6, 12 55:4,18 58:19 59:15,22 62:1
Konishi 7:7,13,14, 23 8:3,20 10:10, 18 16:5,6 17:14 18:12 19:3,21 20:13,15,21 23:18 24:17 25:7,22 37:18 38:13,14, 19,20 39:17 40:16 41:7,22 42:8,10 43:9 44:3,13 48:9, 13 49:4 54:11,21 55:8,17	Lee's 11:22 58:7	lines 33:7 62:6	McLaughlin's 22:5 23:3,9 27:18 28:2, 18 30:11,19,25 31:11,18,25 32:6, 12 55:4,18 58:19 59:15,22 62:1
Konishi's 8:16 9:2,16,23 11:4 12:2,14,22 13:5, 15 17:8,20 18:2 37:22 38:4,7 39:22,25 40:8,18, 21 41:2,19 44:1,7, 11,18,25 45:4,9 51:25 55:3 58:24	left 38:2 45:22,25 46:4,6,18 47:11 49:22 54:15 58:5	lock 21:21 42:15, 21	means 11:6 36:25
L	lift 50:1,23 53:19	locking 33:12 43:5 46:15	meant 21:2
laid 36:3	lawful 5:19	looked 51:20 52:14	mechanical 11:6
	leading 59:23 60:25 61:10,17 62:8,12 63:1	lot 20:3	mechanism 7:24 17:14,20 18:2,14 56:19,20 62:7,11, 18,22
	Lee 11:22 12:2,9, 14,23,25 13:6,16 18:4,5,13,20 57:24 58:10,12	lower 54:15	mechanisms 8:16 9:1,16,23 17:8 22:6 23:9,18 24:15,25 25:12,21 27:6 56:19 57:7 62:25
	latches 9:1 14:14 57:17,18,21 58:18,23	M	medical 6:13
	lawful 5:19	machine 34:6,7,23 47:10	
	leading 59:23 60:25 61:10,17 62:8,12 63:1	made 13:21	
	Lee 11:22 12:2,9, 14,23,25 13:6,16 18:4,5,13,20 57:24 58:10,12	make 14:3,16 16:14 20:18 35:23 44:19 48:23 52:9 53:10	
	Lee's 11:22 58:7	Makes 29:17	
	left 38:2 45:22,25 46:4,6,18 47:11 49:22 54:15 58:5	makeup 21:9	
	lift 50:1,23 53:19	Malloy 6:1	

meet 30:1	moves 46:5	44:2 50:25 53:21	15:2,11,12,23
meet all 23:6	moving 34:18	56:8,15 59:23	16:3,16,18
meets 38:21	35:15 36:2,7,11	60:22,25 61:10,17	order 56:11
mention 11:21	46:8,14 52:4	62:8,12 63:1	ordinary 12:6
middle 42:12	58:14	objections 15:14	13:10 14:15 18:24
Mitch 43:14	mu 52:20 53:2,15	obvious 10:13	19:22 20:17 22:25
modification	multiple 52:6	12:20 13:9,22	23:13,23 24:20
13:14 27:17 28:2		14:15 15:1,11,20,	25:5 26:4 27:9,23
29:20 30:11,19	N	23,25 16:3,8,16	28:14,16 29:17
37:22 38:4 40:21		19:8 21:13 22:25	30:17 31:14,19
41:2,12,19 44:17	named 24:16	28:6 29:17 31:19	32:4,18 33:19
modifications	necessarily 56:17	32:10 37:19 40:16	38:1,14 41:8
22:20 28:17,18	needed 9:18 15:7	43:3 57:13	43:12 52:3 60:11
29:23 32:21 45:9	19:25 27:10	obviousness 10:8	62:21
modified 12:22	28:20,23 29:24	25:23 29:8,13	orientation 44:20,
13:5	30:2,22 38:8 40:2	37:16	22
modify 18:12 19:2	41:13 49:20	offered 17:25	oriented 44:24
31:7 40:16	needing 8:5	open 6:20,22	46:22 58:8
modifying 12:2,14	neglect 51:2	45:25 61:21	original 29:6
58:17	negligible 51:13	operate 8:14 9:18	oven 58:9
moment 23:17	net 54:13	operating 8:13	overcome 53:19
61:19	notary 5:5	22:15 24:6 50:14	override 50:23
morning 5:23	notch 34:14,17	operation 7:25	owner 5:3,20 63:8
motion 29:11 50:3	58:3	8:17,21 9:3 11:5	
55:14 60:5,12	number 53:23	17:16 19:10 20:1	P
motivated 17:19	numbers 53:14,22	22:7,14 40:1	
18:1,12 19:23		42:23 45:16 47:17	pages 10:4 33:25
motivation 19:2,9,	O	48:7 54:23 55:5,	pair 45:19
13 39:21 40:7,9,	888-893-3767 Lexitas operates in all 50 states and is licensed where required Nevada Registration #116F. California Firm Registration #179	19 56:6 57:2 61:7,	paragraph 7:1,4,9,
12	object 61:19 63:3	15 62:3	12 10:15,17
mount 10:18	objection 8:2,19	opined 17:18	11:12,15 14:25
move 37:6 46:10	11:7 12:3,16	opinion 9:8,10	16:17 18:3 21:4,
49:22 56:11 58:5	14:10 15:6,24	11:4 14:5 17:25	15,17,24 28:24
moved 13:25	16:4,20 17:22	18:7 19:2 22:4,19	29:2 31:3 32:9
14:17 30:8 31:6	18:8,15 20:14	26:10,12 39:20	40:14 42:4,19
46:3	22:8 23:11,21	55:17 60:20 61:9	47:20,23,24 49:3
movement 36:15	24:18 25:14,24	opinions 20:5	54:5,9 59:8,19,20
37:1 40:4,10 47:1,	26:16,23 27:20	25:19	60:14 62:5
5,6 49:25	28:3 29:21 30:21	opposite 50:3	paragraphs 31:10
	32:16 37:23 38:6,	option 39:1 58:12	part 15:12 18:7,22
	11 39:12,23 41:4	options 14:22	25:13,23 27:25
			34:22

patent 5:3,20 19:18 62:23 63:8 Paul 60:24 Pdf 6:25 permanent 42:14 60:16 perpendicular 34:9 person 10:11 12:5 13:10 14:15 18:24 19:22 20:17 22:25 23:12,23 24:20 25:5 26:3,4 27:22 28:14,15 29:16 30:17 31:14,19 32:4,18 33:18 37:25 38:14 41:8, 10 43:12 52:2 60:10 62:21 Petitioner 5:2 physical 7:24 8:16,25 17:8,20 18:1,13 20:12 23:9,18 24:15,25 25:7,8,12,21 26:13,15,21 27:6 28:17 29:20 32:14,20 37:21 38:4 40:21 41:1, 11,18 45:8 53:2 57:7 physically 46:16 55:19,21,22 56:5 picture 51:7 60:1 pictures 31:21 piece 35:1,2 pin 44:14 45:2,4, 24 46:2,4,13,18, 21,25 48:13,17 49:18,24 54:12, 14,15	pins 44:4,8 45:19 46:9,10 pivot 54:10 pivoting 44:6 45:6 place 7:20 8:10, 14,21 9:2 10:23 11:5 17:15,16 21:25 22:7,11,13, 15 35:3,16 39:2 40:19 46:16 48:7 50:10,12,14 54:18 55:23 56:6,9 places 50:5,15 Dr. John M. Collins plane 36:13 37:2 play 7:19 8:8,12 52:12 played 53:23 plug 53:14,15 point 11:2,9 20:5 31:1 39:11 points 42:17 47:9, 11 54:10 56:1 pop 24:7 56:6 portion 24:10 POSA 7:18 10:20 11:16 13:23 15:20 16:7,9,24,25 17:19 18:1,11,17, 18 19:19 21:12 17,24 22:16 24:8, 22 25:1,9,11 26:9, 18 27:12,14 32:10 33:2,10 39:25 42:12,18,19 53:9 59:21 60:15 61:3 posed 14:11 positive 46:11,15 potentially 56:20 practical 51:16,23 52:8,24 53:2,16,	18 practice 27:10 practices 27:23 prematurely 13:25 prevent 12:11 18:5 19:11 30:7 36:15 40:3,10 47:1,4,5 55:25 56:13 57:9,18,21 58:13,14 60:12 prevents 17:12 34:18 35:10,14 36:1,6,10 46:8,13 58:3 previous 37:24 Primarily 30:6 primary 14:5 prior 6:12 11:17 16:1 28:7 40:1 61:1 63:2 proceeding 6:19 produced 5:19 proposal 39:4 41:23 propose 22:20 proposed 9:15,22 10:12 12:1,13 16:8 17:4,7 21:13 23:3 27:18 28:1, 16,21 30:18 41:11,18 58:16 proposing 29:19 30:10,24 37:21 38:3 44:17 provide 40:17 42:6 public 5:5 pulley 50:6,15 51:13	purple 44:4 purpose 38:22,24 56:3 pursuant 12:2,14, 23 13:5,15 18:12 40:21 41:2,19 pushed 34:15 46:3 put 24:1 31:20 32:22 Q question 6:10 17:23 18:10 19:16 20:8 23:16 27:2,4 50:22 58:22 59:18 61:1 63:2 questions 5:22 6:15 14:3 20:5 35:23 59:5,7 61:19 63:6 quick 37:7 R ratios 53:10 re-ask 27:4 react 10:22 reacted 51:8 reaction 49:19,24 54:11 read 9:11,20 12:4 15:15 18:5 reader 35:12 reading 34:19 realistic 51:1 53:25 realtime 5:11,15 20:21 rear 44:18,20,23
--	---	--	---

45:2,22	17 24:15,24 26:20	12 15:9,18 16:23	Sandra 5:4 6:6
reason 6:13 19:5 26:5	relying 20:11 27:6	17:14 19:7 21:20	scenario 51:2
reasonable 53:25	remember 18:16 55:12	22:6,23 32:14 39:10	scope 9:8,10 13:11 20:10
recall 9:4,5 33:22 43:11 59:11 61:25	remind 6:5	required 9:20 12:5,19 23:25	screen 58:1
Recess 37:8	removable 7:20 8:9 10:23 32:12	26:7 29:23 32:21 39:2 45:1,3	seated 46:6 47:3
record 5:24 43:18, 19	33:12 40:18	requirement 9:12	secondary 22:23 31:8
rectangular 45:18	42:15,22 43:5 57:8 58:19,24	requiring 7:16 9:6	section 14:23 15:11 31:16 47:23 59:13
red 49:12	60:17 61:6	reread 8:3 9:4	secure 8:16 17:15 22:15 45:15 56:5 60:17
reduce 62:11	removal 11:18 12:11 18:6 19:11	reserve 63:11	secured 17:15 55:19,21,22 61:5
reduces 62:15	25 22:18 38:17, 20,25 39:15,18	reserved 5:7	securing 9:16,22 11:6 17:8,20 18:2, 13 22:6 57:7
reference 11:22 20:13 24:16 25:12 28:11 34:1	40:4 58:15	respect 9:8 11:3 20:7 26:13 39:15	security 7:24 40:17
referenced 18:17	remove 8:5 10:19	respond 24:12	sentence 40:15 43:3 61:3
references 18:14 24:16 25:2,4 26:1 32:15	removed 7:16 14:17 17:17 35:6, 11	responding 9:25 22:22	sentences 7:17
reflect 60:20 61:9	renders 10:12 16:7 21:13 37:19	response 29:11	separate 9:19,20 44:8
regard 23:16 48:16	reoriented 42:20 61:4	responsive 15:17 19:18 26:25 47:25	serve 45:15 47:5 54:17
Reinholtz 49:11	repeat 13:17 17:23	result 49:23	serves 50:13
Reinholtz's 24:1 47:25	repeating 19:4	resulting 10:21	serving 50:12
relation 19:15	rephrase 18:9 35:23	return 6:8	set 27:13 41:16 48:22 50:21 52:20 58:4
relationship 52:23,24	rephrased 49:12	rods 34:8,15 35:7 36:12,15	shape 45:18
relative 10:3 19:6 35:19 36:13 45:22 52:21	replicated 49:12	rotate 36:18,19 60:11	short 42:6 55:13
release 56:10	report 13:8,21 18:16	rotation 36:22,23	shorthand 5:4,5
relevant 35:3	reporter 5:5,10,14 63:9	rough 5:11	shown 7:13
relied 8:15	represent 59:17	rounded 45:18	shows 8:4
relies 26:13	representative 53:22	rules 6:5	
rely 14:7 23:8,12,	reproduced 43:21	running 8:13	
	require 10:1,19 12:17 13:18 14:9,	S	
		satisfy 23:19 25:9 26:22	

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California Firm Registration #179 Nevada Registration #116F

thing 13:22 15:20	59:8 61:22	user 13:25 56:9	20,23,24 53:11,19
things 20:19 49:14 53:24	two's 20:10	V	weights 51:24,25
thinking 44:10	type 9:6		wished 40:5
thought 27:3	types 32:20	values 52:4	works 33:24 45:13
three-day 5:12	typewriting 5:6	vectors 49:5,9 52:11	world 43:15
throw 58:2	typical 52:4	versus 38:14	worried 18:18 19:24 22:17
tight 21:20	typically 36:21	vertical 35:19 45:7 47:1 54:7,9 60:9	wrong 24:4,8 36:4
tightens 50:5,14	U	vertically 44:24 58:8	X
time 6:7 29:9 59:3 62:22 63:2	unable 6:14	vibrate 56:16	X/y 36:13 37:1
times 6:4	underneath 46:2	vibrating 58:13	XYZ 35:18
Tippins 5:5	understand 9:7 13:11 14:3 16:15 19:16,19 24:12 25:19 27:13 30:24 33:19 48:3 51:5 52:3,10	vibration 55:10 57:3,4,5,19 58:14 62:13,15,17	Y
title 15:1	understanding 9:14 24:1 26:24	vibrational 54:22 55:7,12,25 56:14, 21,25 57:10,23	yellow 44:6
titled 16:5 21:11	understands 20:18	vibrations 55:5 58:4 61:13 62:2, 11	
toaster 58:8	understood 7:18 10:20 31:14	viewpoint 44:11	
today 6:15 53:17 59:3,11,18 61:25	unit 7:20,25 8:9, 12,13 9:17,23 11:5 17:21 21:21 22:5 31:1 33:13 34:5,23 35:10	views 43:16	
toggle 31:5	888-893-3767 Lexitas operates in all 50 states and is licensed where required Nevada Registration #116F. www.lexitaslegal.com California Firm Registration #179	W	
toolless 11:17 32:11 38:17,20,25 39:15,18	36:1,6,11 42:11, 15,21,23 43:6 44:13 45:16 47:2, 9,16 52:1 53:19 54:18 55:4 57:8 58:20,25 60:18 61:5,7 62:2	wall 49:24	
tools 7:16 8:6 10:19 21:21	units 54:23 55:8, 18 56:5	wanted 12:6,11 13:23 14:16 15:19 17:1 19:11 26:4 28:5 30:23 31:7 40:3	
top 60:4,10	unlike 30:9	waving 26:19	
topic 37:7	unnecessary 14:6	ways 13:9	
torque 51:6,8,10 54:13,16		weight 7:18,25 8:8,17,21 10:21, 24 48:12 50:9,11, 23 51:9,22 52:7,	
transcribed 5:6			
transcript 5:11,15			
trouble 26:24			
truthfully 6:15			
turn 6:23 7:9 10:4, 14 11:11 21:4 28:24 32:24 33:24 37:10 42:3 43:20 45:12 47:19 48:25			