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

PROVISUR TECHNOLOGIES, INC.,	)
	)
Plaintiff,	)
vs.	) Case No.
	) 21-cv-6113-SRB
WEBER, INC., et al.,	)
	) September 5, 2023
Defendants.	)

.....
TRANSCRIPT OF SCHEDULING HEARING
BEFORE THE HONORABLE STEPHEN R. BOUGH
UNITED STATES DISTRICT COURT JUDGE

Proceedings recorded by electronic stenography
Transcript produced by computer

APPEARANCES

For the Plaintiff:	MR. MICHAEL BABBITT Willkie Farr & Gallagher LLP 300 N. LaSalle Drive, Ste 50th Floor Chicago, Illinois 60654
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For the Defendants:	MR. ADAM PRESCOTT SEITZ MS. CAROLINE A. BADER MS. MEGAN REDMOND Erise IP, P.A. 7015 College Blvd., Suite 700 Overland Park, Kansas 66211
	MR. JASON SCOTT LEIKER Levy Craig Law Firm 4520 Main Street, Suite 1600 Kansas City, Missouri 64111

1 THE COURT: I do like your socks.

2 MR. SEITZ: Thank you. They're flamingos.

3 THE COURT: Yeah.

4 MR. SEITZ: I think Markman is going to be
5 relatively narrow. From our standpoint for the claims, the
6 patent claims from Provisur, I don't see a lot of, if any,
7 additional Markman. I want to look through that one last time
8 once we see their infringement contentions, once they serve
9 those on the two new patents.

10 Looking through the record from the prior case and
11 understanding that plain and ordinary is a pretty good
12 position for most folks to be in, I think that most of our
13 patent claims are plain and ordinary. They're not difficult
14 or complex claims or claim terms. I don't envision burdening
15 the court with much Markman at all. If that's a concern, I
16 would be open to even talking about limiting the number of
17 claims -- claim terms that we could construe.

18 But from my standpoint, I'm not going to be
19 presenting you with a bunch of Markman terms for construction.

20 THE COURT: What I have discovered is that we can
21 often have disputes about what plain and ordinary mean, even
22 if one side doesn't think that.

23 What do you think about it over here, Mr. Babbitt?

24 MR. BABBITT: Yes, Your Honor. And, you know, I'd
25 say I agree with Mr. Seitz in as far as it goes with respect