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

RAVIN CROSSBOWS, LLC,)
Petitioner,)
vs.) Case No. IPR2024-00522
) Patent No. 8,683,989
MCP IP, LLC,)
Patent Owner.)

CONFIDENTIAL

VIDEOCONFERENCE DEPOSITION OF JERROD HOFF
TAKEN ON BEHALF OF THE PETITIONER
FEBRUARY 7, 2025

VIDEOCONFERENCE DEPOSITION OF JERROD HOFF, produced, sworn, and examined on the 7th day of February 2025, between the hours of 9:00 o'clock in the forenoon and 6:00 o'clock in the evening of that date via Zoom videoconference, before KARA D. INCE, a Certified Court Reporter within and for the State of Missouri, in a certain cause now pending UNITED STATES PATENT AND TRADEMARK OFFICE, BEFORE THE PATENT TRIAL AND APPEAL BOARD, wherein RAVIN CROSSBOWS, LLC is the Petitioner and MCP IP, LLC is the Patent Owner.

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* * * * *

(The deposition commenced at 9:04 a.m.)

THE COURT REPORTER: We are on the record. My name is Kara Ince. I am a Missouri Certified Court Reporter, CCR License No. 1348. Today's date is February 7, 2025. Will the witness please raise their right hand.

JERROD HOFF,

of lawful age, being produced, sworn, and examined on behalf of the Petitioner, deposes and says:

EXAMINATION

BY MS. RAW:

Q. Good morning.

A. Good morning.

Q. Can you please state your name for the record.

A. Jerrod Hoff.

Q. Where are you located today, Mr. Hoff?

A. Sparta, Wisconsin.

Q. Have you ever had your deposition taken before?

A. No.

Q. Okay. So since --

MR. BRUCE: Can we make appearances of counsel on the record? Do you mind?

MS. RAW: Yeah, sure. We can do that. This is Lydia Raw for the petitioner Ravin Crossbows, LLC, from ERISE IP.

MR. BRUCE: Carl Bruce on behalf of the witness and MCP IP with Fish & Richardson.

Also on are Josh Griswold, Ken Hoover, and Matt Colvin, who may be on for portions of the deposition. Thank you.

MS. RAW: Yeah.

BY MS. RAW:

Q. Mr. Hoff, since this is your first deposition, we're just going to go over a few ground rules at the beginning just to make sure we're all on the same page.

I'm sure some of this your own attorneys have gone over in preparation, but just so that we're clear, today during this deposition I'll be asking a series of questions, and I'm just asking you to provide your best truthful answer as you sit here today; is that fair?

A. Yes.

Q. We have a court reporter today. And because of that, all of your responses do need to be verbal. So things like nodding or shaking your head, no, those are things that can't be recorded on

the transcript; so I'll just ask you to give verbal answers today. Is that fair?

A. Yes.

Q. Okay. If for any reason you don't understand one of my questions, it's not clear to you, I would ask that you let me know. I'm happy to rephrase or to clarify so that the record is clear.

Can you let me know today if there's any question that you don't understand?

A. Yes.

Q. Okay. Is there any reason why you can't provide complete, truthful, and accurate testimony today?

A. No.

Q. I typically take breaks about every hour. I expect to do that today as well.

If you need a break earlier than that, please just let me know. I just ask that if there's a pending question, you answer that question before we go on a break; fair?

A. Yes.

Q. I understand that you have with you today a paper copy of your declaration and the exhibits; is that correct?

A. Yes.

Q. Okay. And that's -- that declaration is the only declaration that you've provided in connection with the IPRs filed by Ravin Crossbows; correct?

A. Yes.

Q. Okay. I'm going to place that declaration in the chat and we're going to mark it as Exhibit A --

(Deposition Exhibit A was marked for identification.)

BY MS. RAW:

Q. -- so that the court reporter will have it as well.

All right. And Mr. Hoff, you are welcome to use either this -- you can download this electronic copy or you can use the paper copy in front of you. I have no preference; whichever one is easier for you. All right?

A. Okay.

Q. Okay. Can you confirm for me that there is -- other than this video link, there's nothing else open on your computer right now?

A. Yes, I can confirm that.

Q. Okay. Mr. Hoff, is your current job title vice president of manufacturing?

A. Yes.

Q. And in Paragraph 3 of your declaration, you note that from 2006 to 2012 you were the director of operations; is that correct?

A. Yes.

Q. Okay. And that -- that would be the director of operations for Mathews Archery?

A. The director of operations for Mathews Archery Manufacturing Operations.

Q. Okay. Thank you for that -- that clarification.

And I see that you note that your responsibilities included manufacturing operations.

What does that mean?

A. Well, my definition of manufacturing operations would be everything inside of our walls in regards to manufacturing, which means from planning, budgeting, shop floor execution, inventory control, shipping, to invoicing.

Q. And you note that you also had responsibility for planning and inventory management.

Do you see that?

A. Yes.

Q. And what does planning mean in this

1 context? What does it mean to be in charge of
2 planning?
3 **A. So my -- my role in planning is looking at**
4 **forecasts, sales forecasts, and planning the**
5 **manufacturing side of how we're going to execute to**
6 **support the sales plan. So our planning is in our**
7 **ERP system, putting that forecast in there, and**
8 **again, executing things that need to be bought,**
9 **things that need to be made, planning for staffing,**
10 **things like that.**
11 Q. So you referred in your answer to sales
12 forecasts. Who at the company made sales forecasts
13 around 2008?
14 **A. I don't recall who would have made the**
15 **forecast in 2008.**
16 Q. Okay. Were you involved in determining
17 what the sales forecast would be around 2008?
18 **A. I would not have been involved in**
19 **generating the sales forecast in any regard.**
20 Q. Do you know how in 2008 the -- the company
21 would determine how many bows it expected to sell
22 for a new product?
23 **A. I would not.**
24 Q. Okay. Who would know the answer to that
25 question?

1 **A. Our vice president of sales and marketing.**
2 Q. Do you remember who the VP of sales and
3 marketing was in 2008?
4 **A. I would have to speculate. I don't know**
5 **for sure.**

13 BY MS. RAW:
14 Q. Can you please turn to Paragraph 4 of your
15 declaration.
16 Do you see -- I'm at the second line,
17 which is on -- sorry, there's two numbers -- today,
18 for the record, I'm going to always refer to the top
19 number. So I'm looking at page 2. You'll see
20 there's a 2 and a 3 at the bottom of the page. I'm
21 just going to refer to the top number so that we can
22 keep the record clear.
23 So on page 2 of your declaration, do you
24 see the sentence that begins, "Our process"?
25 **A. Yes.**

LEXITAS

[redacted]

9 Q. Yeah. So are you referring to Appendix A?
10 **A. Correct.**
11 Q. Okay. Can we turn to Appendix A?
12 **A. Yes.**
13 Q. Okay. Based on Appendix A, what would the
14 public release date for the Mission Menace bow have
15 been?
16 **A. October 1, 2008.**
17 Q. Okay. I see that in Appendix A there are
18 two rows with an order date before October 1.
19 Do you see that?
20 **A. Yes.**
21 Q. Are those bows that, as you say, left the
22 building before October 1?
23 **A. Those two bows are to an internal**
24 **customer; so they did not leave the building.**
25 Q. Okay. So when it has a ship date for

1 those bows, were those -- are you saying that those
2 bows weren't actually shipped out of the building on
3 that date?
4 **A. Correct.**
5 Q. Then what does the ship-to date represent
6 for those two entries?

[redacted]

17 Q. So where did those two bows go on that
18 shipped date?
19 **A. Based on that customer number, I know --**
20 **happen to know that customer number is the Mathews**
21 **account, which is an internal account. I can't say**
22 **for sure where those bows physically went other than**
23 **they would have been internally given to Matt**
24 **McPherson, and I'm not sure what he would have done**
25 **with them after that.**

1 Q. Do you -- do you have a -- a record of any
2 sort that would indicate whether those two bows were
3 physically handed to Matt versus shipped to his
4 house?
5 **A. No.**

[redacted]

[redacted]

Page 17

5 Q. Do you have any knowledge of why he
6 obtained two bows of the Mission Menace
7 specifically?
8 A. No. Not specifically.
9 Q. Do you know whether Mr. McPherson paid any
10 money for either of these two bows?
11 A. No.
12 Q. Would there be records in your system that
13 reflect whether or not he paid money for either of
14 these two bows?
15 A. I can't say for sure.
16 Q. Okay. Would there be an invoice in your
17 system associated with these two records?
18 A. Yes.
19 Q. Would the invoice in your system
20 associated with these two bows indicate whether any
21 money was paid by Mr. McPherson in connection with
22 these two bows?
23 A. I can't say for sure.
24 Q. But it's possible; right?
25 MR. BRUCE: Objection. Form.

Page 18

6 Q. Okay. Would there be a record somewhere
7 of whether a payment was ever received in connection
8 with either of these two bows?
9 A. Yes.

Page 19

Page 20

Page 21

k before it actually leaves
25 your facility; is that fair?

Page 22

19 BY MS. RAW:
20 Q. Okay. How would a retailer who, you know,
21 sells your products have found out when the release
22 date was for the Mission Menace bow?
23 A. I can't say. I don't know.

Page 23

salesperson entered the
17 order from Matt McPherson for two bows?
18 A. No.

LEXITAS

[redacted]

1 Q. Around this 2008-2009 timeframe, did the
2 company release new model bows every year?
3 MR. BRUCE: Objection. Form.
4 **A. Can you rephrase that or repeat it.**
5 BY MS. RAW:
6 Q. Yeah. I can rephrase.
7 Around this 2008-2009 timeframe, did
8 Mathews' customers expect a new bow to be released
9 every year?
10 **A. I -- I can't comment on what customers**
11 **were expecting.**
12 Q. Was it common at this time for Mathews to
13 release a new bow every year?
14 **A. Based on my experience, yes.**
15 Q. Did the new model bows come out at the
16 same time each year?
17 **A. No.**
18 Q. Okay. So how did retailers know when the
19 release date would be for a new model bow?
20 **A. I don't know.**
21 Q. Can you turn to Paragraph 9 of your
22 declaration.
23 **A. Yes.**

[redacted]

11 Q. I believe earlier you testified that part
12 of -- part of your job responsibilities as director
13 of operation included overseeing production; is that
14 accurate?
15 **A. Yes.**

[redacted]

[redacted] -- so would an invoice have been
7 generated for Mr. McPherson's order of two Mission
8 Menace bows?
9 **A. Yes. As indicated in the Appendix A,**
10 **there are invoices created for those shipments.**
11 Q. Do you know whether those invoices were
12 mailed?
13 **A. I do not.**
14 Q. Is there information in the [redacted]
15 system that would indicate whether those invoices
16 were mailed?
17 **A. No.**
18 Q. All right. Is there anywhere that you
19 could look to determine whether those invoices were
20 mailed?
21 **A. No.**

[redacted]

[redacted]

Q. Do you know what details are given to the customer about the new -- a new product on release day?

A. Well, my understanding of release day -- release day is when it goes public, and at that time, we provide all the information about the bow.

Q. Do you recall through what avenues the company provided information about the Mission Menace bow?

A. I do not.

Q. Okay. Who at the company was responsible for those communications?

MR. BRUCE: Objection. Form.

A. Again, I could only speculate of who at that time, but I'm not sure.

BY MS. RAW:

Q. What's your best guess?

A. My best guess would be the VP of sales and marketing.

[redacted]

[redacted]

[redacted]

Q. Can you turn to Paragraph 17 of your declaration.

A. Yes.

Q. Do you see that in Paragraph 17 you note that Mathews Archery also has possession of two physical Mission Menace bows?

A. Yes.

Q. Do you know how those two physical Mission Menace bows were acquired?

A. No.

Q. Do you know who would know the answer to that question?

A. Yes.

Q. Who would know how those two Mission Menace bows were acquired?

A. Our in-house counsel, Jeff Ozanne.

Q. Do you know if anyone helped Jeff Ozanne in acquiring those two bows; anyone at Mathews?

A. Yes.

[redacted]

[redacted]

8 Q. Okay. After providing Mr. Ozanne with the
9 list of contact information, did you have any
10 involvement in acquiring those bows after that
11 point?
12 **A. No.**
13 Q. All right. Can you turn to Appendix C,
14 please.
15 MR. BRUCE: Do you know what the -- I
16 guess the bottom page number is for that?
17 (Reporter clarification.)
18 MS. RAW: 606 is the cover page.
19 MR. BRUCE: Yeah. Thank you.
20 BY MS. RAW:
21 Q. And just let me know when you're there.
22 **A. Okay. I'm there.**
23 (A recess was taken from 9:57 a.m. to
24 10:09 a.m.)
25 BY MS. RAW:

1 Q. Mr. Hoff, do you still have Appendix C in
2 front of you?
3 **A. Yes.**
4 Q. And is this also a record that was
5 generated by [redacted]
6 **A. Yes.**
7 Q. And the headings in Appendix C are -- have
8 the same meanings of the headings in Appendix A that
9 we discussed a little bit ago?
10 **A. Yes.**
11 Q. And Appendix C has sales records for the
12 Monster bow; correct?
13 **A. Yes.**
14 Q. When was the release date for the Monster
15 bow?
16 **A. The release date that I can see on here**
17 **would have been November 25, 2008.**
18 Q. Do you recall when retailers were told
19 that a bow was going to release on November 25,
20 2008?
21 **A. No.**
22 Q. Would retailers have known in advance that
23 a bow was going to release on November 25, 2008?
24 **A. I don't know.**
25 Q. And on -- can you turn to page 473 of this

1 appendix. That's the top of the two numbers on the
2 bottom of the page.
3 MR. BRUCE: Are you talking specifically
4 about Exhibit C or are you moving back up to one of
5 the other exhibits within the appendix?
6 MS. RAW: Yes. So on C -- so there's two
7 page numbers at the bottom -- the top number,
8 page 473, or if you want the bottom number, it's
9 1079.
10 **A. I'm getting there.**
11 **You said 473; correct?**
12 BY MS. RAW:
13 Q. Correct.
14 **A. Okay. Yes, I'm there.**
15 Q. Do you see that Entries 4 and 5 on this
16 page are to Customer No. [redacted]
17 **A. Yes.**
18 Q. And that's the customer number for
19 Mr. McPherson?
20 **A. Yes. That's our internal customer number.**
21 Q. So Mr. McPherson also ordered two Monster
22 bows; is that correct?
23 (Witness is reviewing document.)
24 **A. Yes.**
25 BY MS. RAW:

[redacted]

9 Q. You can set this appendix aside.
10 Did you have any involvement in the
11 preproduction testing of the Mission Menace bow?
12 MR. BRUCE: Objection. Form.
13 **A. I'm sorry, repeat that one more time.**
14 BY MS. RAW:
15 Q. Yeah. Did you have any involvement in the
16 preproduction testing of the Mission Menace bow or
17 prototypes, I suppose, at that point?
18 MR. BRUCE: Same objection.
19 **A. Well, I'd have to define, "involvement."**
20 **As far as testing, no.**
21 BY MS. RAW:
22 Q. Do you have any personal knowledge of what
23 Mr. McPherson did with the Mission Menace bows that
24 he purchased?
25 **A. No.**

Q. Do you have any knowledge of where the Mission Menace bows purchased by Mr. McPherson are now?

MR. BRUCE: Objection. Form.

A. I do not.

BY MS. RAW:

Q. Outside of the context of this IPR and the declaration you submitted in this IPR, had you ever reviewed any patents for any reason?

A. No.

Q. So the -- in your declaration you make several statements about figures in the patents at issue in this IPR; correct?

A. Which part of my declaration are you referring to?

Q. I'll just strike that.

Have you ever personally reviewed any of the patents at issue in this IPR?

A. I have not reviewed them in entirety. I have seen what's been shown to me; some diagrams.

Q. And have you talked about your declaration or these IPRs with anyone other than counsel, anyone other than attorneys?

A. Yes.

Q. Who, other than attorneys, have you talked

to about this IPR or your declaration?

A. My wife.

Q. Okay. Other than your wife, anyone else?

A. No.

Q. Okay. No further questions.

MR. BRUCE: Can we go off the record for 10 minutes before I decide whether or not we will do any redirect?

MS. RAW: Okay.

(A recess was taken from 10:18 a.m. to 10:24 a.m.)

EXAMINATION

BY MR. BRUCE:

Q. Just a couple quick questions.

With respect to the first two entries in Exhibit A to the appendix, there's a Customer No. [redacted]

Just to be clear, who is -- who or what is that customer number representing?

A. When we use that customer number, that is an internal customer number that is primarily used for us to get things out of our inventory system.

Q. And do you recall counsel asking you a couple questions about -- and I believe the phrasing was, what happened to those first two bows that were

listed as ordered on September 26, 2008, as purchased by Mr. McPherson? Do you remember that?

A. Yes.

Q. Do you know if Mr. McPherson purchased, as in paid money, for those bows?

A. I do not.

Q. So it's possible that he did not pay money for those bows?

A. It's possible.

Q. No further questions.

EXAMINATION

BY MS. RAW:

Q. One additional question.

For those first two entries in Appendix A, I believe you just stated Customer No. [redacted] is associated with an internal customer number; is that correct?

A. Yes.

Q. Did those bows, first two bows, go to Mr. McPherson or could they have possibly gone to someone else?

A. I'm trying to find the first page here again. I lost it.

From what I'm able to look at here, I can't say. All I can tell you is that it was an

internal customer number. I can't see specifically who it went to.

Q. Do other -- when Customer No. [redacted] is used, does the bow ever go to anyone other than Mr. McPherson?

A. Yes.

Q. Okay. Who else have bows gone to when Customer No. [redacted] is used?

A. Steve McPherson.

Q. Anyone else?

A. Not that I'm aware of.

Q. Okay. Do you have any basis to know one way or the other whether these two Mission Menace bows, the first two entries in Appendix A, went to Steve McPherson or to Matt McPherson?

A. I don't have visibility to that right now on here.

Q. If you were trying to figure out the answer to that question, what would you go look at?

A. I would probably look at the invoice and see if it indicates.

Q. Okay. If the invoice didn't indicate which McPherson the bows went to, is there anything else you could look at to determine that information?

1 **A. Not that I'm aware of.**
2 Q. Okay. No further questions.
3 MR. BRUCE: Can we go ahead and mark the
4 entire transcript as confidential under the
5 protective order and then request for the witness to
6 review and sign.
7 (The deposition concluded at 10:28 a.m.)
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1 CERTIFICATE OF REPORTER
2
3 I, Kara D. Ince, a Certified Court
4 Reporter for the State of Missouri, do hereby
5 certify that the witness whose testimony appears in
6 the foregoing deposition was duly sworn by me; the
7 testimony of said witness was taken by me to the
8 best of my ability and thereafter reduced to
9 typewriting under my direction; that I am neither
10 counsel for, related to, nor employed by any of the
11 parties to the action in which this deposition was
12 taken, and further that I am not a relative or
13 employee of any attorney or counsel employed by the
14 parties thereto, nor financially or otherwise
15 interested in the outcome of the action.
16
17 Kara Ince
18 _____
19 Kara D. Ince
20 Missouri Supreme Court
21 Certified Court Reporter
22
23
24
25

1 ERRATA SHEET
2 Witness: Jerrod Hoff
3 RAVIN CROSSBOWS, LLC v. MCP IP, LLC
4 Date Taken: February 7, 2025
5 Page #____ Line #____
6 Should read:
7 _____
8 Reason for change:
9 _____
10
11 Page #____ Line #____
12 Should read:
13 _____
14 Reason for change:
15 _____
16
17 Page #____ Line #____
18 Should read:
19 _____
20 Reason for change:
21 _____
22
23 Witness Signature: _____
24
25

1 STATE OF)
)
2 COUNTY OF)
3 I, Jerrod Hoff, do hereby certify:
4 That I have read the foregoing deposition;
5 That I have made such changes in form and/or
6 substance to the within deposition as might
7 be necessary to render the same true and
8 correct;
9 That having made such changes thereon, I
10 hereby subscribe my name to the deposition.
11 I declare, under penalty of perjury, that
12 the foregoing is true and correct.
13 Executed this ____ day of _____,
14 20___, at _____.
15
16 _____
Notary Public
17
18 My commission expires: _____
19
20 _____
Jerrod Hoff
21
22
23
24
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LEXITAS