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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GODBERSEN-SMITH CONSTRUCTION COMPANY
d/b/a GOMACO CORPORATION,

Petitioner,

v.

GUNTERT & ZIMMERMAN CONST. DIV., INC.,

Patent Owner.

Case PGR2024-00026
U.S. Patent No. 11,772,723

DEPOSITION OF KENNETH BRYDEN, Ph.D., taken at
311 South 17th Street, Ames, Iowa, commencing at
8:48 a.m., May 6, 2025, before Michele L. Proesch,
Certified Shorthand Reporter of the States of Iowa
and Illinois.

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202-220-4158

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1 APPEARANCES

2

3 DAVID K. MROZ, of the firm of Finnegan, Henderson,
4 Farabow, Garrett & Dunner, LLP, 901 New York Avenue,
NW, Washington, DC 20001, appeared on behalf of the
Petitioner.

5

6 JEFFREY H. PRICE, of the firm of Kramer Levin
7 Nftails and Frankel, 1177 Avenue of the Americas,
New York, NY 10036, appeared on behalf of the
Respondent.

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Kenneth Bryden, Ph.D.

Mr. Mroz

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Mr. Price

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Patent Owner, Guntert & Zimmerman Exhibits

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2005 - Declaration of Kenneth "Mark" Bryden

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Gomaco Exhibits

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1001 - United States Patent No. 11,772,723

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1017 - United States Patent No. 6,311,795

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1 PROCEEDINGS

2 (Patent Owner, Guntert & Zimmerman Exhibit 2005
3 and Gomaco Exhibits 1001 and 1017 were marked for
4 identification.)

5 KENNETH BRYDEN, Ph.D.,
6 witness herein, called as a witness by Petitioner,
7 after having been first duly sworn, was examined and
8 testified as follows:

9 EXAMINATION

10 BY MR. MROZ:

11 Q. Good morning, Dr. Bryden.

12 A. **Good morning.**

13 MR. MROZ: Just for the record today we are here
14 for PGR2024-00026. This is a PGR proceeding on
15 US Patent No. 11,772,723, and my name is David Mroz.
16 I am here representing Petitioner Godbersen-Smith
17 Construction Company doing business as Gomaco
18 Corporation, and I'm with the law firm of Finnegan
19 Henderson.

20 MR. PRICE: And I'm Jeffrey Price. I'm
21 representing Guntert & Zimmerman and the witness
22 this morning. I'm from the law firm of Kramer Levin
23 Nftails and Frankel.

24

1 BY MR. MROZ:

2 Q. Okay. Dr. Bryden, I meant to ask you this
3 yesterday, but what did you do to prepare for
4 today's deposition?

5 A. How far back do you want me to go?

6 Q. As far as you want.

7 A. Okay. Well, I mean, I -- I did what you would
8 expect would be -- I got the call in January; said,
9 hey, we're going to be back at this again, and at
10 that point I pulled the files that I had from
11 five years ago or four-and-a-half years ago and read
12 through them, and I had some leisure to do; that is,
13 nothing was pressing. It wasn't due in a week or
14 anything, so I would read those in the evening and
15 not with any particular -- not looking for a
16 particular thing; kind of like reading -- reading a
17 journal article where you look at the pictures first
18 and kind of read the abstract and understand what's
19 going on before you go into detail, and so then when
20 I got the call that said, Okay, we're ready to go do
21 this, I had a fairly good understanding of the --
22 the totality of what was being said and what was
23 being said where, and I could see what everybody
24 wanted to use as the framework for this and then I

1 went and studied those in some detail.

2 Q. Okay.

3 A. And so that was a more detailed bit. In getting
4 ready, once that was there and I read through the
5 papers and approved -- did all the things that you
6 would think you would do in order to be, oh, careful
7 and making sure that you understand and that you're
8 not missing something important, once that was done
9 that went away for a while and then this was coming
10 up, and so about a week ago, maybe a bit more than
11 that I started reading things in detail but with --
12 more with an eye to remembering detail, as we
13 discussed. So last night in getting ready for
14 today's setting I read back through the '723 patent,
15 I read back through my declaration, I read a couple
16 of the references that looked important and took a
17 few written notes in terms of words, as I said;
18 remembering what are the words and where are they,
19 and not that I would use the written notes today,
20 but in my case writing things down helps me remember
21 them.

22 Q. Sure.

23 A. Yeah, so sort of a normal preparation; nothing
24 exciting.

1 Q. Okay, great. So I'm going to give you now your
2 declaration for this proceeding --

3 A. Great. Thank you.

4 Q. -- to see how -- Feel free to refer to it, whatever
5 you want during the questioning, just like you did
6 yesterday.

7 A. Sure, uh-huh; certainly.

8 Q. And yesterday we talked about the '318 patent;
9 right?

10 A. Yes.

11 Q. Today we're going to talk about the '723 patent --

12 A. Uh-huh, yes.

13 Q. -- so a new patent.

14 A. Yes.

15 Q. The drawings in these patents or figures in these
16 patents are the same; right?

17 A. Yes.

18 Q. The written disclosure between the drawings and the
19 claims is the same; right?

20 A. Uh-huh, yes.

21 Q. The claims are different, though?

22 A. Yes.

23 Q. Okay.

24 A. The tricky part.

1 Q. Yeah. I just want to make sure we're on the same
2 page with like what's new and what's the same.

3 A. Sure.

4 Q. And by "different" I mean the claims that we're
5 talking about today are different than the claims in
6 the '318 patent.

7 A. Yes.

8 Q. Okay.

9 A. Uh-huh.

10 Q. All right, so let's start with -- Actually I'm going
11 to give you the patent now, and just for the record
12 the declaration that I gave Dr. Bryden is
13 Exhibit 2005 in this PGR2024-0026 proceeding. I'm
14 now giving him the '723 patent as an exhibit, which
15 is Exhibit 1001 in this PGR2024-0026 proceeding.

16 A. Thank you.

17 Q. No problem. Okay. Do you remember yesterday when
18 we were talking about that functionality where the
19 machine gets into transport mode?

20 A. Yes; though I would need some specifics --

21 Q. Sure.

22 A. -- as to exactly what you're looking for.

23 Q. Sure, so let's go to Figures 8A through 8E.

24 A. (Witness complied.)

1 Q. So if you want to review those figures along with
2 reading column 13, lines 6 through 49, it might help
3 our discussion.

4 A. **(Witness complied.)**

5 Q. Okay. Is this the embodiment where -- the
6 embodiment -- or sorry.

7 Is the patent -- Does the passage that you read
8 describe the embodiment in the '723 patent where the
9 machine is put into transport mode?

10 A. **Yes.**

11 Q. Okay. How does that work?

12 A. **So, as we discussed yesterday, you have the machine**
13 **in a paving direction. You then take the -- and**
14 **within the paving direction you turn the crawler**
15 **tracks (indicating) 90 degrees, and I think**
16 **yesterday I mistakenly said, and by the way, you --**
17 **you rotate using the turn -- using the hydraulic**
18 **cylinder. You don't need -- You don't do that and**
19 **don't need to do that conceptually; I mean, you**
20 **could but don't need to, and that's not what they**
21 **describe here (indicating). So what's described**
22 **here is you rotate the track and then you undo the**
23 **buckle -- or not the buckle but the hydraulic**
24 **cylinder, unpin it. You move some sensors. That's**

1 not described here, but you need to move them so
2 they're out of the way and then this track basically
3 walks an arc (indicating) until you get to the
4 90-degree position to the paving direction; so
5 you're now in the transport position. At that point
6 you pin the cylinder and then you put the track in
7 the forward direction and then you repeat that with
8 each of the legs, and I think I've got the correct
9 order of things there.

10 Q. Okay.

11 A. Yeah.

12 Q. Now, when the track I think you used the word
13 walks --

14 A. Yeah, I think they -- I think that's the word that
15 they use there also.

16 Q. Okay. Is it -- How is it being moved?

17 A. Hmm.

18 Q. What's propelling the track when it's walking in?

19 THE WITNESS: I'm -- I'm lost in the question.

20 MR. MROZ: Sure.

21 THE WITNESS: I'm sorry. It seems like a simple
22 question, but I'm not quite --

23 MR. MROZ: Sure.

24 A. I mean, the track is turning, just as it would be as

1 if you were in the -- in the paving direction. So
2 the track has -- has the motor and is being pushed
3 forward, yes.

4 Q. Okay, so the motor of the track --

5 A. Right.

6 Q. -- is propelling the track?

7 A. Right.

8 Q. Is the swing leg pivoting while that happens?

9 A. Yes.

10 Q. Okay. It's pivoting inward toward the frame of the
11 machine?

12 A. Hmm, no, that's not what's --

13 Q. Okay.

14 A. I mean, you've got the swing leg on this
15 (indicating) corner -- If we look at the diagram
16 here in 8A --

17 Q. Okay. That's why I'm asking.

18 A. I'm trying -- I'm trying to think what the
19 vocabulary would be to describe this, but you can
20 see that we -- we have it, and we're going in the
21 paving direction and then we swing it on that
22 corner, and I'm not sure what is inward to the -- I
23 mean, it -- You're on a corner and you're turning it
24 90 degrees, so I'm not sure that it's inward to the

1 machine. It's simply -- It's still out from the
2 machine.

3 Q. Okay.

4 A. We're not -- We're not nestling it against the
5 machine.

6 Q. Okay, understood. So the crawler track is being
7 driven by its motor --

8 A. Yes.

9 Q. -- in the situation where we go into transport
10 mode --

11 A. Uh-huh.

12 Q. -- is that --

13 A. Yes.

14 Q. The swing leg is pivoting while this happens?

15 A. Yes.

16 Q. Is the hydraulic actuator 38 shown in these drawings
17 on the machine when this is happening?

18 A. When you say, "on the machine," do you mean it's --
19 is it connected?

20 Q. Engaged.

21 A. Engaged, no. We've unpinned that at that point.

22 Q. Okay.

23 A. And you see that in the writing we just read.

24 Q. Okay, all right. Now please turn to Claim 6 of the

1 '723 patent.

2 **A. (Witness complied.) The writing gets smaller. It's**
3 **even better.**

4 Q. Do you see that it says, The paving machine of
5 Claim 1 wherein the swing leg is configured to
6 relocate the jacking column with the crawler track
7 while moving under load?

8 **A. Yes.**

9 Q. Is that example we just described for moving the
10 swing leg in the transport mode covered by Claim 6?

11 **A. Yes.**

12 MR. PRICE: Objection.

13 BY MR. MROZ:

14 Q. Why is that?

15 **A. We have the swing leg. We have the crawler track**
16 **that's on the ground and it's bearing the full load**
17 **of the machine.**

18 Q. Okay; so when we're talking about this last part,
19 the swing leg is configured to relocate the jacking
20 column with the crawler track while moving under
21 load, what is "moving under load"?

22 MR. PRICE: Objection.

23 **A. So we have the crawler track and the swing leg both**
24 **moving.**

1 BY MR. MROZ:

2 Q. Okay. Does the machine frame have to be moving to
3 satisfy Claim 6?

4 A. Let me read it carefully. Hmm, the paving
5 machine -- I have a feeling this question relies
6 around where the comma is.

7 Q. "where the" what?

8 A. Where the comma in the sentence is.

9 Q. Oh, okay.

10 A. Not being an expert on where commas go, I have a
11 tech writer that works with me.

12 Q. Oh, okay.

13 A. I -- I would tell you that no, I don't think the
14 machine has to be moving, but I don't think it
15 precludes the machine moving either.

16 Q. Okay, so this claim can cover situations where the
17 crawler track and swing leg are pivoting and
18 rotating while the machine is moving -- Well, let
19 me --

20 A. It's hard to imagine a circumstance in which you
21 would want that to happen. See, part of the problem
22 here is that this is a hypothetical --

23 Q. Okay.

24 A. -- and there is not -- I mean, the hypothetical

1 doesn't make sense.

2 Q. Okay.

3 A. It's like saying, Well, I -- you know, I'm -- You
4 say, Well, gee, if I were moving along and all of a
5 sudden I decided I wanted to put it in transport
6 mode, could I keep doing that? Well, to the
7 extent -- the machine can move to the extent that
8 everything's coordinated, but if I were writing the
9 software for this -- or the control system, so the
10 software, I mean, I would tell you I don't want
11 everything else moving while I'm getting into
12 transport mode.

13 Q. Okay.

14 A. If you look at this, I mean, this looks like what's
15 happening here is you go and you lighten things up,
16 you tell the machine line up to get ready for
17 transport mode. It says, I'm lined up and then it
18 says, you know, go pull the pin. You go pull the
19 pin. You put the turnbuckle -- or you put the
20 turnbuckle back, the hydraulic cylinder out of the
21 way and then you hit a button, and it goes and does
22 that, so it does that all automatically. So it's
23 not clear why you would want to go do something
24 outside the programming, and so saying, Well, can I

1 move this thing forward while doing this? Well, I
2 mean, you could do the engineering to get it there,
3 but why would you ever want to do that?

4 Q. I see.

5 A. It's like can I race my car down the interstate and
6 park it in the parking lot out here at the same
7 time? Well --

8 Q. I see.

9 A. -- conceptually I guess you could turn the wheel,
10 and -- but it doesn't make sense. Why would you --
11 I mean, why would that be an artifact of the
12 embodiment that you have here.

13 Q. I see that.

14 A. So from that sense it doesn't make sense, but, yes,
15 this does not -- the machine itself nor do the
16 descriptions here preclude that.

17 Q. Okay, so I think my question's more simple. I'm
18 trying to figure out the scope of Claim 6.

19 A. Okay.

20 Q. And we have a patent here that describes pivoting a
21 swing leg while rotating a crawler track.

22 A. Yes.

23 Q. And does this claim cover scenarios where that
24 happens while the machine is stopped?

1 **A. Yes.**

2 **Q. And does this claim cover scenarios where that**
3 **pivoting and rotating happens while the machine is**
4 **moving -- the machine frame?**

5 **MR. PRICE: Objection.**

6 **A. Again, it doesn't seem to preclude that --**

7 **BY MR. MROZ:**

8 **Q. Okay.**

9 **A. -- but it -- There would be no reason to do that,**
10 **nor would it make sense from an engineering**
11 **standpoint.**

12 **Q. So there would be no reason to pivot the swing leg**
13 **and rotate the crawler track while the machine frame**
14 **is moving?**

15 **A. Not that I -- I mean, I may be missing something**
16 **about the -- the way these machines are operated,**
17 **but everything I've seen -- That was a little bit**
18 **like the question yesterday, can you lift a leg?**

19 **Q. Uh-huh.**

20 **A. Well, you can, but why would anybody ever do that**
21 **because you don't have to in this case.**

22 **Q. Yeah. So you would want to stop the machine before**
23 **you do your pivoting of the swing leg --**

24 **A. Right.**

1 Q. -- and rotating of the crawler track simultaneously?

2 A. Right. It's like you quit driving at 35 miles an
3 hour down the road before you park your car in the
4 parking lot.

5 Q. And why would you want to stop your machine frame
6 before you pivot the swing leg and rotate the
7 crawler track simultaneously?

8 A. From a practical standpoint you have a lot of mass
9 moving in one direction, and you've got to pull that
10 hydraulic cylinder pin, and you're not going to want
11 to do that while things are moving. So, I mean,
12 that -- that's a -- that's a starting place; I mean,
13 we don't have a -- you can't do that safely while
14 the thing is moving along and bearing a load and
15 going in a direction. So from a practical
16 standpoint, I mean, the machine has to be stopped.

17 Q. Okay. What --

18 A. From a -- Could you figure out how to do it somehow?
19 I mean, this patent doesn't -- This patent, much
20 like the document you showed me yesterday and you
21 said, "Oh, is this prior art?" And I said, "It is,"
22 and you -- you sort of tricked me. I sort of
23 tricked myself there that I didn't actually use that
24 as prior art. I didn't understand the legal term --

1 Q. Oh, okay.

2 A. -- until I looked later. Here this scope is larger
3 than the embodiment of the machine. So I'm not sure
4 that this precludes somebody coming up with a way to
5 do that.

6 Q. Okay.

7 A. In the embodiment in the machine it does not appear
8 that that's been anticipated or done.

9 Q. Now, what --

10 A. Does that answer make sense?

11 Q. It does.

12 A. Okay.

13 Q. Now, what if we put the pin back into the actuator
14 for the swing leg, does that change your analysis?

15 A. I don't think you can have the opinion and do the
16 swing. Again, the -- the hydraulic cylinder isn't
17 intended to go that far.

18 Q. Okay.

19 A. So I -- that's -- yeah.

20 Q. So when the pin's in the leg -- Sorry. When the
21 pin's in the hydraulic actuator --

22 A. Yes.

23 Q. -- it's not going to -- the arm's not going to
24 pivot -- the swing leg is not going to pivot, I

1 should say?

2 MR. PRICE: Objection.

3 **A. The swing leg can pivot, and, in fact, that will**
4 **help drive the swing leg; right?**

5 BY MR. MROZ:

6 **Q. Uh-huh.**

7 **A. It won't pivot all the way to the transport**
8 **position.**

9 **Q. I see, okay.**

10 **A. Because if you look at that -- and we can sort of**
11 **see it in the diagrams here (indicating) but not as**
12 **well as you'd like to see. As you move to**
13 **90 degrees, that hydraulic cylinder then starts to**
14 **have interference from the frame itself --**

15 **Q. Okay.**

16 **A. -- which I'm assuming is why you'd need to pull the**
17 **pin, that you -- as you pull that forward, you can't**
18 **get the full 90 degrees with that cylinder attached,**
19 **so you need to unpin the cylinder -- You're**
20 **pulling -- the cylinder is being pulled from that**
21 **side, and so as you pull it (indicating), you run**
22 **out of room and you've got to pull it -- and then**
23 **when you get done, you pin it with a -- basically a**
24 **threaded rod.**

1 Q. Okay.

2 A. Yeah.

3 Q. Understood.

4 A. 'Cause you don't want to drive it unpinned. That's
5 the -- regardless.

6 Q. Uh-huh.

7 A. So during this movement you -- of the -- of the
8 swing leg you have it unpinned and then you repin it
9 again.

10 Q. Now, say you're driving this machine in regular
11 mode, not in transport mode --

12 A. Right.

13 Q. -- would you want to stop the machine there when
14 you're pivoting the swing leg and rotating the
15 crawler track?

16 A. No.

17 Q. Okay, so you want to do that when you're driving?

18 A. Yes. In fact, you can watch videos of that online
19 or you can watch it in the field.

20 Q. And the --

21 A. I mean, that's the -- that's the on-the-fly bit of
22 this, that you can drive this thing like you drive
23 your car within the constraints of you can't turn
24 90 degrees instantaneously.

1 Q. Yeah. And Claim 6 covers that example as well, and
2 correct me if I'm wrong.

3 A. Yes.

4 Q. Okay.

5 A. Yeah. I mean, that's the -- that's the -- that's
6 the -- I think that's the critical bit of all of
7 this discussion, is that you can drive the machine
8 under load and turn the direction and follow things
9 and you can change the swing leg and the crawler
10 track independent of each other and have the
11 computer figure out how do I coordinate those.

12 Q. Yeah. The claim -- The machine frame doesn't have
13 to be moving --

14 A. No.

15 Q. -- for this claim to cover a situation --

16 A. Right.

17 Q. -- right? Okay.

18 MR. PRICE: Objection.

19 A. But it can be moving.

20 BY MR. MROZ:

21 Q. Can be.

22 A. Right. It doesn't preclude moving.

23 Q. Gotcha. Okay, great. So let's move on to the next
24 part, which is Claim 1 of the '723 patent. Feel

1 free to read the whole claim, but I want to focus on
2 the part that says, quote, A crawler track coupled
3 to a yoke, which is rotatably coupled to the jacking
4 column.

5 **A. Okay.**

6 Q. What is a yoke?

7 **A. Give me a moment to read it, please.**

8 Q. Oh, sure, sure. Let me know when you're finished.

9 **A. It will give me an opportunity to read. I just want**
10 **to make sure --**

11 Q. No.

12 **A. -- I remember the context. I think I know what**
13 **you're asking, but --**

14 Q. Sure thing.

15 **A. Okay.**

16 Q. And so before we get to this question, I want to go
17 back to this a minute. I have one more question
18 about the last part --

19 **A. Certainly.**

20 Q. -- I asked you about.

21 **A. Please, please. I think it's hard to clarify that.**

22 Q. Yeah, it is. For the situation where we're going to
23 transport mode and the hydraulic actuator's
24 unpinned --

1 **A. Uh-huh.**

2 **Q. -- is it floating during that time?**

3 **MR. PRICE: Objection.**

4 **A. Describe what you mean by "floating." I mean, this**
5 **is a heavy system, and so "floating," it's not**
6 **swinging free, and it's connected to the ground, so**
7 **you have the weight of the machine, you have the**
8 **swing leg, and that's being -- that weight is all**
9 **being supported on the crawler track. So if**
10 **"floating" means can it float around and mind its**
11 **own business, no; I mean, it's secured here and**
12 **there, and we can do the analysis and show that**
13 **there is no degree of freedom possible in that.**

14 **Q. Okay, so when the crawler track is driving in the**
15 **situation we talked about earlier --**

16 **A. Yes.**

17 **Q. -- when it's walking in --**

18 **A. Right.**

19 **Q. -- is the hydraulic actuator on the swing leg being**
20 **actuated?**

21 **A. No, it's been unpinned. It's no longer connected.**

22 **Q. That's what I'm getting at. So it's -- the swing**
23 **leg is reacting to the driving of the crawler track?**

24 **A. Yes.**

1 Q. Okay, and the crawler track is being propelled by
2 its own motor?

3 A. Yes.

4 Q. Okay. Okay. Moving back to Claim 1 --

5 A. Okay.

6 Q. -- I want to focus on the language, A crawler track
7 coupled to a yoke, which is rotatably coupled to the
8 jacking column.

9 Do you see that?

10 A. Yep, I do.

11 Q. What is the yoke?

12 A. If we look at, let's see, drawing -- Well, you can
13 look on the first page, but maybe we'll look at an
14 official drawing here. So we look at Figure 1, and
15 we look -- We see four swing legs all in paving
16 direction, and if we look at the one that's in the
17 middle of the page on the forward left corner of the
18 machine --

19 Q. Okay.

20 A. -- we look down, we see the crawler track and then
21 we see 60 -- what happens to be 62. There is a lot
22 of lines going in here, but that would then be the
23 yoke.

24 Q. Okay.

1 **A.** **And I would -- I mean, we could look around and**
2 **discover that 57 was the yoke or -- You know, there**
3 **is a lot of lines going in and out, but that**
4 **yoke-looking device is the yoke.**

5 **Q.** **Can you color the yoke with your pen like you did**
6 **yesterday?**

7 **A.** **Sure.**

8 **Q.** **Thanks. Or at least one of 'em.**

9 **A.** **Yeah, we'll limit my coloring exercise.**

10 **Q.** **Yeah.**

11 **A.** **My coloring skills aren't so good.**

12 **Q.** **Do you mind writing "yoke" next to it just so we're**
13 **all on the same page?**

14 **A.** **Sure, and let me check this 62 to make sure that it**
15 **actually thinks it's the yoke and not --**

16 **Q.** **And I'm not going to hold you to that number for**
17 **this question --**

18 **A.** **Yeah, I know, but --**

19 **Q.** **I just want to know the component that you're**
20 **coloring, what you're coloring.**

21 **A.** **Yeah, I have the problem that I like being perfect,**
22 **and so it's not a -- A friend of mine says that's a**
23 **flaw and a good characteristic, but he goes the**
24 **problem is I get to define what's perfect, and**

1 that's the problem.

2 Yeah, yoke 62. Okay. I and the description
3 have agreed where this -- where this points at. I
4 just wanted to write "yoke" next to the number --

5 Q. Yeah.

6 A. -- so we -- we had which number it was.

7 Q. Perfect.

8 A. Yeah, okay. (Witness complied.)

9 Q. All right. What is the crawler track?

10 A. The crawler track on this diagram is 16 --

11 Q. Okay.

12 A. -- depending whether you mean the crawler track or
13 the assembly of the crawler -- crawler -- crawler
14 track. The crawler track is the track, of course
15 (indicating).

16 Q. Okay. Around the outside?

17 A. Around the outside that's moving.

18 Q. What's the crawler track assembly?

19 A. Assembly is the whole device.

20 Q. Okay.

21 A. Much like our discussion of a slew drive, where you
22 have a slew drive --

23 Q. Okay.

24 A. -- assembly.

1 Q. Is the yoke -- Well, let me think how to ask this.

2 The claim doesn't recite individual components
3 of the crawler track assembly; right?

4 A. Right.

5 Q. It just calls the whole thing a crawler track?

6 A. Yep.

7 Q. Okay.

8 A. Fair enough, and the author is allowed to do that.

9 Q. Yeah.

10 A. They're being a little more specific in order to
11 allow us to discuss it --

12 Q. Exactly.

13 A. -- more clearly.

14 Q. Exactly. Understood. So the author in writing his
15 patent --

16 A. Uh-huh, yes.

17 Q. -- he wrote the patent in such a way that the yoke
18 and the crawler track are two separate components?

19 A. Okay.

20 Q. No. Is that -- Do you agree with that?

21 MR. PRICE: Objection.

22 A. I'm going to go back and read the claim again.

23 BY MR. MROZ:

24 Q. Sure.

1 **A. Yes.**

2 Q. Okay, so I guess logic would follow -- and correct
3 me if I'm wrong -- that the yoke is not the
4 component of a crawler track?

5 **A. Yes.**

6 Q. Or of the crawler track assembly?

7 **A. Whatever we call it, yes.**

8 Q. Yeah.

9 **A. Right, so it's not part of that assembly. You could**
10 **imagine that you have an assembly which is the**
11 **crawler track or crawler track assembly, which then**
12 **is fitted into the yoke, which connects.**

13 Q. Perfect, okay.

14 **A. Yeah.**

15 Q. All right, so let's look at the next limitation that
16 says, A slew drive -- This is in Claim 1.

17 **A. Yes.**

18 Q. A slew drive secured at a lower end of the inner
19 tube to a top of the yoke.

20 Do you see that?

21 **A. Yes, I do. Uh-huh.**

22 Q. How does the slew drive connect to the machine in
23 this claim and in the -- in the '723 patent?

24 **A. Sure. When we think about the slew drive -- We had**

1 this -- We had this question yesterday about slew
2 drives and worm gears. So in common vernacular --
3 one of the things I looked at last night to make
4 sure I understood -- again, the slew drive generally
5 refers to an assembly of the slew drive, which
6 includes the bearings and other things, because the
7 slew drive is designed to bear a heavy load; so it's
8 this assembly. So we have this assembly, and this
9 is something that is then bolted into or attached in
10 some way -- I don't know the mechanism of
11 attachment -- to the top of the yoke drive, and then
12 the same with the other side of the slew drive, it
13 is attached to the hydraulic column, and the slew
14 drive is manufactured with that intent. Again, it's
15 an assembly, as you will.

16 Q. Okay, okay. So the crawler track -- Well, can you
17 give me the order of components on the swing leg?

18 A. Sure.

19 Q. So we have the jacking column?

20 A. Yes. If we go back to -- and we see this in
21 Figure 4.

22 Q. Okay.

23 A. Sure, so we see the jacking column --

24 Q. Okay.

1 **A.** -- and then we see the jacking column attached to
2 the -- to the slew gear and then we see the slew
3 gear attached to the yoke and then we see the yoke
4 attached to the crawler assembly.

5 **Q.** Okay, so top to bottom --

6 **A.** **Hydraulic cylinder.**

7 **Q.** Okay. Is coupled to the --

8 **A.** **Let me look; the slew -- slew gear.**

9 **Q.** Okay, and the slew gear is coupled -- the slew drive
10 is coupled to the what?

11 **A.** **Is coupled to the yoke.**

12 **Q.** And the yoke is coupled to the --

13 **A.** **Crawler track, yes.**

14 **Q.** Okay, so the slew gear isn't directly coupled to the
15 crawler track?

16 **A.** **It seems like a nuance in the vocabulary.**

17 **Q.** Okay.

18 **A.** **It is not attached to the crawler track directly,**
19 **but it is attached to the crawler track. So this --**
20 **I mean, it's a little bit -- It becomes this nuance**
21 **of what do you mean by "attached."**

22 **Q.** It's indirectly --

23 **A.** **And it's not directly attached.**

24 **Q.** It's indirectly attached?

1 **A. Yeah.**

2 **Q. The slew drive is indirectly attached to --**

3 **A. It needs some attachment to be attached to the**
4 **crawler, much like we see -- I'm suspecting up here**
5 **when we -- when we attach the slew drive to this**
6 **column, it's attached to a plate, which is attached**
7 **to the column --**

8 **Q. So --**

9 **A. -- is sort of what it looks like.**

10 **Q. So --**

11 **A. So when you're putting things together, I mean, you**
12 **want to have -- You've got to get the stresses right**
13 **and things.**

14 **Q. So --**

15 **A. So "attached" then means --**

16 **Q. Yeah.**

17 **A. -- this assembly is attached.**

18 **Q. Makes sense. So in the '723 patent and Claim 1 the**
19 **slew drive can be indirectly attached to the jacking**
20 **column?**

21 **MR. PRICE: Objection.**

22 **A. "indirectly attached." It says it's secured to the**
23 **lower end.**

24

1 BY MR. MROZ:

2 Q. Okay.

3 A. So it doesn't give us an indication of whether
4 that's possible or not.

5 Q. Okay. Does the claim require a direct attachment
6 between the jacking column and the slew drive?

7 A. No. It says it's secured --

8 Q. Okay.

9 A. -- at the lower end, and the issue of direct
10 attachment appears like a lawyer issue that I'm not
11 qualified to address.

12 Q. No, that's fine.

13 A. Yeah.

14 Q. And does the slew drive -- Does the claim allow the
15 slew drive to indirectly -- Sorry. Does the claim
16 require the slew drive -- Well, strike that.

17 Does the claim require the slew drive to
18 directly attach to the crawler track?

19 A. No; it says that the slew drive gear is secured at
20 the lower end of the inner -- of the inner tube and
21 to the top of the yoke.

22 Q. Okay.

23 A. So it's attached to the yoke and it tells us prior
24 to this, as you noted, that the yoke is attached to

1 **the crawler track.**

2 Q. So stating it differently, the slew drive can be
3 indirectly coupled to the crawler track?

4 A. Yes, but, again, I think we're -- we're -- we're
5 working on the definitions of words that I'm not
6 sure I understand how you're using them.

7 Q. Okay.

8 A. I mean, from common -- from common practice you
9 would say that.

10 Q. Okay. I'm just using them -- yeah.

11 A. No, I'm just being -- It has a feeling -- It has a
12 feeling like you're working on a particular meaning
13 for "direct" and "indirect," and --

14 Q. Okay.

15 A. -- I'm using them in common engineering practice,
16 not in a particular legal format. So I'm just --

17 Q. Are you --

18 A. -- warning you that --

19 Q. That's fine.

20 A. -- it's an -- it is an indirect connection because
21 it's through the yoke.

22 Q. Are you using these terms as a person of ordinary
23 skill in the art would?

24 A. Yes, right.

1 Q. Okay. All right. I'm going to give you another
2 exhibit. This is Exhibit -- Gomaco Exhibit 2017
3 (sic). This is the Skotnikov reference.

4 Do you recognize this document?

5 A. Barely. Was this addressed in my deposition (sic)?

6 Q. It wasn't.

7 A. Ah.

8 Q. It was -- Well, in your declaration.

9 A. In my declaration, excuse me.

10 Q. But it was addressed in Dr. Singhose's declaration,
11 and I can show you that if you want to see it. So
12 go ahead.

13 A. See, I have read this. I have not studied it in
14 detail.

15 Q. Okay, so I just wanted to give you an opportunity to
16 answer questions about this today. If you want to,
17 that's fine.

18 A. Sure.

19 Q. As I talked about before, yesterday with the other
20 reference --

21 A. Uh-huh.

22 Q. -- part of the reason we do these depositions is to
23 figure out what the bounds of your testimony is.

24 A. Sure.

1 Q. And if you want it to include Skotnikov, I'm happy
2 to give you an opportunity to talk about that today,
3 but if you don't and want to not respond to
4 Dr. Singhose, that's fine as well. So I'm giving
5 you the choice.

6 A. Okay. Please ask questions, and if we get into a
7 space that I'm not uncomfortable with, we can skip
8 that --

9 Q. Okay.

10 A. -- question.

11 Q. That works.

12 A. Like I said, I have not -- I have not reviewed this
13 in detail. I probably last read this in January or
14 February, so --

15 Q. Okay, okay. Okay, so I'll first direct you to
16 column 2, lines 49 through 52.

17 A. Okay.

18 Q. And hopefully starting out simple, what kind of
19 machine does Skotnikov disclose?

20 A. Okay, so he's talking about an agricultural sprayer.

21 Q. Okay.

22 A. Uh-huh.

23 Q. But it says here in the passage I just read to you
24 it's a work vehicle (e.g., construction vehicle,

1 sprayer, tractor, other agricultural vehicle,
2 et cetera.)

3 **A. Right.**

4 Q. So it's --

5 **A. And then he goes on to say, "For example" and has a**
6 **picture of a sprayer. So I think a sprayer is a**
7 **good place to start when we start thinking about the**
8 **size of things --**

9 Q. Okay.

10 **A. -- as opposed to -- It's clearly not intended as a**
11 **paving machine, for instance --**

12 Q. Okay.

13 **A. -- yeah.**

14 Q. But it's a construction machine?

15 **A. Hmm.**

16 Q. Or could be, I should say.

17 **A. I would be careful with that definition.**

18 Q. Okay.

19 **A. So I -- My -- My view of construction machines is**
20 **they're usually large -- much larger scale.**

21 Q. Okay.

22 **A. A sprayer is a relatively light vehicle.**

23 Q. Okay. Are tractors light?

24 **A. Yes.**

1 Q. All of 'em?

2 A. It depends.

3 Q. Okay.

4 A. I mean, you can clearly see tractors that are huge.
5 So, I mean, sprayers don't come in that size. I
6 mean, I don't know if you've -- if you've handled
7 liquid or worked on sprayers, but I have designed
8 sprayers --

9 Q. Yeah, I've seen that.

10 A. -- and I've driven sprayers, and I would not equate
11 them with a paving machine --

12 Q. Sure.

13 A. -- in my -- in my experience. Paving machines seem
14 bigger, more complicated, and much, much more
15 heavier. Sprayers are, as I said, relatively light
16 and delicate.

17 Q. Okay. What about the word "construction vehicle"
18 there? Do you see that?

19 A. I do.

20 Q. Are all construction vehicles small?

21 A. No; though I have a feeling -- and, again, remember
22 that I've read this only perhaps once without going
23 through it in detail. Though when he says,
24 "construction vehicle," he's suggesting, again, a

1 lift truck or other.

2 Q. Okay.

3 A. So, I mean, I suspect that he's -- I latched onto
4 sprayer because it's something that I have
5 experience with, and I don't think he would list a
6 sprayer and a paving machine in the same thing and
7 say it's the platform for both of 'em.

8 Q. Okay.

9 A. I have a feeling that this platform has a particular
10 size and intent. That's absent detailed review of
11 this document.

12 Q. Okay. Can we at least agree that the machine in
13 Skotnikov is heavy machinery?

14 A. Yeah, yes. Of course, as we said yesterday, it's
15 heavy machinery.

16 Q. Okay.

17 A. We haven't defined how heavy.

18 Q. Okay. All right, so let's move on now. Can you
19 please read column 2, lines 56 through 61?

20 A. (Witness complied.) Okay.

21 Q. Does Skotnikov describe a machine with four crawler
22 tracks?

23 A. Yes, and by -- He describes that as one of the
24 possibilities.

1 Q. Okay. Moving on now to column 3 --

2 A. Uh-huh.

3 Q. -- can you please read -- and take your time for
4 this one because this is a big chunk. This is
5 column 3, lines 11 through 59. So if you want to
6 look at the figures as you read that, feel free, but
7 I'm going to ask you about this section of text
8 next.

9 A. (Witness complied.) Okay.

10 Q. Okay. Does Skotnikov have a swing leg on this
11 machine?

12 A. Yes and no. I think you're trying to define "swing
13 leg" as anything that swings that happens to be a
14 leg.

15 Q. Okay.

16 A. I think when we're talking about paving machines and
17 other heavy -- heavy equipment, we're talking about
18 something that is load-bearing and has a -- There is
19 a difference in scale here.

20 Q. Okay.

21 A. I mean, I think that's the -- that's the -- This is
22 a fairly -- and I suspect that you're trying to get
23 to, well, would a POSITA know about this? And I
24 think a POSITA would -- would, as I did, dismiss

1 this out of hand as not being applicable to a paving
2 machine.

3 Q. Okay. I'm just trying --

4 A. Again, it's a very light -- and so I'm trying to
5 help you here, but I think this is a very -- a very
6 light bit; so these legs swing and the tracks or the
7 wheels can swing independent of them.

8 Q. Rotate (indicating) independently?

9 A. Yes, rotate independently of them, as described and
10 shown in the figures -- as described in the text and
11 shown in the figures, but this is a little bit -- I
12 mean, comparing this to a paving machine is like
13 comparing my car to my grandchildren's wagon.

14 Q. Okay. That's fine. I'm just trying to ask you
15 about how this machine disclosed in Skotnikov
16 operates.

17 A. Uh-huh, sure.

18 Q. So if you look at, I guess, Figure 2 or Figure 1 --

19 A. Sure.

20 Q. -- where is the swing leg in these drawings?

21 A. Figure 1. It looks like they're using number 110
22 for what would be referred to as the swing leg.

23 Q. Okay, and is that 110 also shown in Figure 2?

24 A. I found it in Figure 2. I haven't found it in

1 **Figure 1 yet.**

2 Q. Okay. It's near the top of the Figure 1 drawing.

3 A. **I do see it. It's not pointing at anything --**

4 Q. Right.

5 A. **-- which is even more convenient.**

6 Q. Okay, and the swing leg in Skotnikov pivots around a
7 pivot point; is that correct?

8 A. **Yes, 114.**

9 Q. Okay. Does it pivot around -- Well, what are 124
10 and 126 shown in Figure 1? It might help to look at
11 column 3, line 24.

12 A. **Yeah, that's where I'm going to head here in a**
13 **second. I'm just trying to make sure I understand**
14 **the drawing. So -- because that isn't on the plane**
15 **where it could swing, so -- You said column 3. What**
16 **was the --**

17 Q. Line 24.

18 A. **Line 24.**

19 Q. It says what 124 and 126 are there, I believe.

20 A. **(Mumbling.)**

21 Q. Actually let me ask it this way --

22 A. **Well, what I'm trying to resolve is the apparent**
23 **discrepancy between Figure 1, Figure 2, and the**
24 **writing, in that the writing tells us it clearly**

1 rotates around 114.

2 Q. Uh-huh.

3 A. We're looking at a drawing 90 degrees to 114, and
4 the pin shown wouldn't allow it to do that.

5 Q. Uh-huh.

6 A. So it would allow it to go up and down, and I'm
7 reading about the mechanism or the assembly that
8 puts that together and trying to understand how that
9 assembly works. It's probably not important and it
10 probably works in and of itself --

11 Q. Okay.

12 A. -- but you do -- but it says -- but it does tell you
13 that it rotates around 114. Rotatable assembly 114
14 provides one side of the parallelogram structure and
15 couples levers 123 -- 123 -- So you have this
16 interesting assembly, but you don't seem to have a
17 good drawing of it.

18 Q. Okay.

19 A. So I'm trying to figure it out quickly without doing
20 a lot of drawing is a -- Two hours from now I'm sure
21 we could draw out this assembly, but we may not want
22 to wait that long.

23 Q. Okay. Well, it's up to you. I mean, I --

24 A. I don't know that there is value to me or to you.

1 Q. Okay. Well --

2 A. And if you need to have it drawn out later, let me
3 know, and I will take the --

4 Q. Okay.

5 A. -- time and energy to figure out exactly how this is
6 working.

7 Q. Well, let me see if this helps. So can you please
8 look at number 142 in -- or component number 142, I
9 should say --

10 A. Okay.

11 Q. -- which is shown throughout column 3 of the -- of
12 Skotnikov.

13 A. Uh-huh, I see component 142.

14 Q. Okay. What is 142? Specifically around line 39
15 might help.

16 A. It appears to be the post on which -- well -- on
17 which this swings and is a part of this mechanism
18 that they're describing, but -- So 144...

19 Q. So do you see the sentence that says,
20 Rotate -- Rotatable -- I'm reading from line 37 in
21 column 3. It says, Rotatable assembly 114, which
22 you've pointed out in Figure --

23 A. Right, yep, uh-huh.

24 Q. -- includes a sleeve 140 coupled to levers 123a and

1 123b --

2 **A. Yep.**

3 Q. -- and coupled pivotally via a disk 144 to an axle
4 142 (e.g., a helical actuator) which is fixedly
5 mounted to frame 106.

6 **A. Uh-huh.**

7 Q. So do we have a helical actuator pivoting the swing
8 leg shown in Skotnikov?

9 **A. Yes, that part is clear.**

10 Q. Okay. That's what I'm --

11 **A. The -- The exact mechanism how this was all put
12 together would require, again, some disassembly of
13 the words and the --**

14 Q. That's the point I was trying to get to.

15 **A. Okay.**

16 Q. Sorry for all the --

17 **A. We can walk through the other bit --**

18 Q. Yeah.

19 **A. -- and be like, okay, we've got -- yeah.**

20 Q. Let's move now to component 115.

21 **A. Uh-huh.**

22 Q. The same column, column 3, do you see where it says,
23 column 15 (sic) is a rotatable assembly?

24 **A. Yes, and that would be the wheel or the -- wheel**

1 **assembly or the track assembly.**

2 Q. Okay, so there is another rotatable assembly that
3 rotates the crawler track in Skotnikov, 115?

4 A. **Yes.**

5 Q. Because we have a rotatable assembly for 114.

6 A. **Right; the leg moves and the roller track or the**
7 **wheel moves.**

8 Q. Okay. Both with rotatable assemblies?

9 A. **Uh-huh, yes.**

10 Q. All right. Okay. Now let's talk about what kind of
11 rotatable assembly this is on the crawler track.

12 So can you please go down and read lines 51
13 through 59 in column 3?

14 A. **(Witness complied.) Okay.**

15 Q. So is it true that the rotatable assembly that
16 rotates the crawler track in Skotnikov can be a worm
17 gear-type mechanism with a hydraulic motor driving a
18 worm?

19 A. **Yes.**

20 Q. In other words, can the rotating assembly -- or
21 rotatable assembly in Skotnikov that rotates the
22 crawler track be a slew drive?

23 MR. PRICE: Objection.

24 A. **Let us, once again, remember that worm gears and**

1 slew drives are not the same thing, and so he
2 doesn't specifically call that out.

3 BY MR. MROZ:

4 Q. Okay. Would -- Would a person of skill in the art
5 reading this disclosure of using a worm gear type
6 mechanism with a hydraulic motor driving a worm know
7 that they could use a slew drive in that scenario?

8 A. The question is if they would use a slew drive in
9 that situation, and -- and that's unlikely. Again,
10 this is a relatively light device. Slew drives are
11 expensive, and they're -- and the assembly is
12 intended to allow heavy loads to be moved slowly and
13 precisely.

14 Q. Okay.

15 A. And so it moves -- It becomes an assembly. When you
16 say, "worm gear," it sounds a lot like hydraulic
17 cylinder motor or drive. It has that bit. You
18 would be able to argue that, well, if I had a worm
19 gear, I would know I could use a slew gear, but,
20 again, I don't think that you would take this
21 sprayer and look at the -- look at the weightbearing
22 on it and go like -- and the fineness of the legs
23 and go like, Oh, yeah, I could turn that into a --
24 something that's bearing 15,000 pounds.

1 Q. Okay. I was going to say how much does a sprayer
2 weigh?

3 A. Absent looking it up I would have to guess, but --

4 Q. I thought you said you had designed them before.

5 A. I have --

6 Q. Okay.

7 A. -- but I designed -- I didn't design the wheels.

8 Q. Oh, well, I'm talking about the whole device.

9 A. Yeah. No, I've got it. I'm just trying to think of
10 when you load it full of water and you get it -- get
11 the sprayer booms out and things -- Without looking
12 it up, I'm not sure I could give you a good number,
13 but I would guess 5- or 6,000 pounds.

14 Q. Okay. Definitely over 3,000 pounds?

15 A. Well, more than a car.

16 Q. Okay.

17 A. Yeah.

18 Q. And you've -- What -- You've designed sprayers
19 before?

20 A. Uh-huh. I've designed primarily the spraying system
21 of the sprayers.

22 Q. You've operated sprayers before?

23 A. I have --

24 Q. Okay.

1 **A. -- but although in a test room -- in a test bed.**

2 **Q. Okay, but you've seen them how big they are?**

3 **A. I know how big they are.**

4 **Q. You know their size, you know --**

5 **A. Oh, yeah, and I know you also have to be careful**
6 **with them.**

7 **Q. Yeah.**

8 **A. If you go visit one in a Deere plant in particular,**
9 **you will see that two of their trees are shorter,**
10 **and that's because when I turned the boom -- when I**
11 **turned, I didn't realize the boom was 60 feet out**
12 **there. People were screaming, "Stop, stop, stop,"**
13 **and by the time it was -- I mean, these things react**
14 **very quickly.**

15 **Q. Yeah.**

16 **A. So you could turn a sprayer at 90 degrees and I was**
17 **testing out -- we were thinking about the sloshing**
18 **weight of the tank and the -- one thing and another,**
19 **and, like I said, I was doing it on a test track,**
20 **and in the test track there were some nice trees,**
21 **pine trees to decorate the Deere facility.**

22 **Q. It sounds like not anymore.**

23 **A. Well, it's kind of like somebody's missing a few**
24 **teeth (indicating); they're -- they're shorter, at**

1 least they were the last time I was there a couple
2 of years ago. I go by and see my trees
3 periodically.

4 Q. So you're aware of all of the components on a
5 sprayer?

6 A. Yes.

7 Q. Okay. All right.

8 A. I -- I'm aware of the components, because when
9 you're designing -- when you're designing a machine
10 like this, you have groups, and the groups get their
11 space and their space -- It works in other people's
12 spaces and you have to know what's going on around
13 you, so --

14 Q. Okay.

15 A. -- yeah.

16 Q. All right.

17 A. But you wouldn't normally hire me to go work on the
18 wheels and the legs. Those weren't changing.

19 Q. Gotcha.

20 A. What was changing was can we make this thing do
21 better spraying?

22 Q. Okay.

23 A. Yeah.

24 Q. Were there swing legs on the sprayer that you worked

1 on?

2 A. I don't believe so, no.

3 Q. Okay. All right, so --

4 A. I'd have to go -- Again, I'd have to go look at
5 the -- the Deere design. The legs were adjustable
6 so they could fit into a -- the rows, but I don't
7 recall the mechanism by which they were --

8 Q. And what do you use a sprayer for, just for the
9 record so we're clear?

10 A. So a sprayer you're basically spraying some form of
11 chemical on crops.

12 Q. So it's a farm vehicle?

13 A. It was a farm vehicle --

14 Q. Okay.

15 A. -- yeah. So you're driving it along, you have a
16 tank full of material, and the questions at hand are
17 is the tank well mixed, does it stay well mixed,
18 does it slosh around too much, can you put baffles
19 in it and still keep the chemicals straight.

20 Q. Okay.

21 A. I mean, the hard parts of sprayers are not can you
22 drive them, but can you get them to do what they're
23 supposed to do and do it uniformly.

24 Q. Gotcha. Okay, so back to the rotatable assemblies

1 in Skotnikov --

2 **A. Uh-huh.**

3 Q. -- it doesn't just say that a worm gear type of
4 mechanism with a hydraulic motor driving a worm can
5 be used to rotate the crawler track.

6 It also says you can use this worm device to
7 rotate -- or pivot the swing leg; correct?

8 **A. Let me read it to make sure --**

9 Q. Sure.

10 **A. -- but I believe so.**

11 Q. Feel free to look at line 53 of column 3.

12 **A. Yeah, that's where I'm looking. It appears that it**
13 **allows it in all three locations.**

14 Q. Okay. One of the locations being the swing leg
15 pivot point?

16 **A. The swing leg pivot point, the crawler track, and**
17 **then the leg itself going up and down --**

18 Q. Okay.

19 **A. -- so --**

20 Q. So does Skotnikov disclose a jacking column as well?

21 **A. I'm not seeing a jacking column, but, again, I'm not**
22 **intimately familiar with this --**

23 Q. Okay.

24 **A. -- bit.**

1 Q. That's fine.

2 A. Yeah.

3 Q. All right, so I'd like to direct you now to
4 column 3, line 66 through column 4, line 12.

5 Can you please read that and let me know when
6 you're finished?

7 A. (Witness complied.) Okay.

8 Q. All right, so does Skotnikov explain that sensors
9 can be used to measure the rotation of the swing
10 legs and crawler tracks?

11 A. Yes.

12 Q. And signals from those sensors are sent to a control
13 system?

14 A. Yes. In fact, he gives us a diagram of the control
15 system.

16 Q. Okay. Let's move on to column 5. I think this is
17 going to be the last part to show you, unless you
18 want to read other parts. I hope --

19 A. No, I'm good, I'm good. I may get excited to read
20 it home, but I'm not excited about this device yet.
21 Littman I was excited about, but this one --

22 Q. Gotcha.

23 A. -- I mean, again, it appears to me to be relatively
24 straightforward. When was this patented? 2000,

1 **newer than I thought, yeah.**

2 Q. So let's read column 5, lines 1 through 34, please.

3 A. **Okay.**

4 Q. And you can look at the drawings as you go.

5 A. **Sure. (Witness complied.) Okay.**

6 Q. Okay. What's being described in these two
7 paragraphs?

8 A. **What they're talking about primarily is how you
9 change the wheel width. So if you're driving this,
10 as you can imagine, between crops, you want to be
11 able to adjust the wheel width to match whatever
12 you're doing.**

13 Q. Okay, and while this is occurring are the rotatable
14 assemblies pivoting the swing legs?

15 A. **Yes. Everything's being coordinated together so
16 that you have the wheels faced in the direction you
17 need to go, and you have the width that you need.
18 You can imagine that if you put the -- the swing
19 legs out further but that the -- you didn't
20 coordinate the track or the wheels -- I sort of
21 think of this as having wheels, but track also, that
22 you would all of a sudden not be -- You wouldn't be
23 going where you want to go. You've got to keep
24 everything lined up.**

1 Q. Okay, so --

2 A. Yeah.

3 Q. -- is there a control system in Skotnikov where as
4 you pivot the legs, it rotates the crawler track --

5 A. Yes.

6 Q. -- in coordination --

7 A. In fact --

8 THE REPORTER: Whoa.

9 Q. -- sorry, in coordination?

10 A. Yes.

11 Q. Okay.

12 A. And he gives us a diagram of that control system.

13 Q. Is this a feedback loop control system?

14 A. Yes, and, in fact, they tell you it's not because
15 they say if it gets off track, it can come back.
16 You get that feedback and then provide you the
17 information to get it back.

18 Q. So if I'm pivoting the swing legs and the crawler
19 tracks get out of position (indicating), the system
20 will be able to reorient the crawler tracks back to
21 the correct position --

22 A. Yes.

23 Q. -- while the swing leg's pivoting?

24 A. I believe so, yes.

1 Q. Okay.

2 A. It -- Also, it really is telling that you as the
3 device is driving, if the track gets out of
4 alignment for whatever reason, it's being pushed by
5 forces in the field and this and that or maybe
6 the -- maybe the rows aren't straight, though in
7 today's technology rows are always straight --

8 Q. Uh-huh.

9 A. -- but if you get -- if the -- if the -- if the arms
10 and the -- and the wheels get out of alignment with
11 the field, you can -- it adjusts them on -- on the
12 fly without operator input.

13 Q. Okay. As the machine is moving forward?

14 A. As the machine is moving forward.

15 Q. While the crawler tracks are on the ground?

16 A. Yes.

17 Q. Under load?

18 A. Under load, uh-huh.

19 Q. And that's what you learned from this column 5,
20 lines 1 through 34?

21 A. Yes.

22 Q. Okay; so in Skotnikov do you see where it talks
23 about when the swing legs are pivoted, the crawler
24 tracks can be, quote, oriented for curved travel?

1 Did you see that?

2 **A. Yes, I did.**

3 Q. Is that what you were talking about a few seconds
4 ago?

5 **A. No.**

6 Q. What's that mean?

7 **A. I mean, what he tells us is that this can be -- and**
8 **I could find the sentence here -- that it --**

9 Q. I'll find it for you.

10 **A. No, I'm looking for the statement about the -- Yeah,**
11 **so then it talks in, I think, oh, line 25 about**
12 **correcting for the error.**

13 Q. Okay.

14 **A. So if it isn't where you want it to be -- and, of**
15 **course, it then tells you that it can turn the**
16 **corner and it works in the same manner; so you can**
17 **drive it and it keeps track of where it's supposed**
18 **to be.**

19 Q. And when it says, oriented for curved travel, what
20 does that mean? Like, what's "curved" -- what's
21 "curved travel"?

22 **A. Turning a corner. I mean --**

23 Q. Of the swing leg turning or the machine turning?

24 **A. The machine turning.**

1 Q. I see, okay.

2 A. I mean, the purpose of this is that you're
3 driving -- If you can imagine driving one of these
4 vehicles, you drive it -- if you think about the
5 sprayers, since that's the easy embodiment to think
6 about and the one that he mentions, I mean, you're
7 driving down the field and then you have to turn
8 around and (indicating) --

9 Q. Uh-huh.

10 A. -- go back the other direction.

11 Q. I see.

12 A. Hence my experience with the trees.

13 Q. So this -- So this on-the-fly pivoting and rotating
14 of the crawler track --

15 A. Right.

16 Q. -- can happen while the machine is moving forward
17 but in a curved direction?

18 A. Yes.

19 MR. MROZ: I see, okay. All right. I have no
20 further questions.

21 (An off-the-record discussion was held.)

22 (A recess was taken.)

23

24

1 EXAMINATION

2 BY MR. PRICE:

3 Q. Dr. Bryden, do you remember earlier when counsel was
4 asking you about the scope of Claim 6 of the '723
5 patent?

6 A. Yes.

7 Q. Can you pull up the '723 patent, pull up Claim 6?
8 It's going to be at the end.

9 A. (Witness complied.) Okay, I have it.

10 Q. Do you remember in response to counsel's questions
11 earlier you said that precise meeting of this claim
12 might depend on, you know, lawyerly things like, you
13 know, which words are modifying others and where
14 commas are?

15 A. Yes.

16 Q. Okay. I'd like to do one of those lawyerly things
17 right now.

18 A. Excellent.

19 Q. So the first part of this phrase, can you read it up
20 to the comma?

21 A. Sure; The paving machine of claim 1.

22 Q. Okay; so when you have a claim that refers back to
23 another claim, do you understand whether or not that
24 means that every limitation of the referred to claim

1 is part of this claim?

2 **A. I believe so.**

3 Q. Okay.

4 **A. I may not fully understand the consequences of that,**
5 **but I understand that that's the intent.**

6 Q. Okay; and moving on to the next part of the claim,
7 do you see where it says, wherein the swing leg is
8 configured to relocate the jacking column?

9 **A. Yes.**

10 Q. In your opinion can the swing leg be -- relocate the
11 jacking column if it has no means for driving the
12 swing leg; for example, if the hydraulic actuator
13 that moves the swing leg is unpinned?

14 MR. MROZ: Objection, leading.

15 THE WITNESS: Ask that question again.

16 MR. PRICE: Yeah, sure.

17 Q. Do you understand whether -- What is your -- Is it
18 your opinion that the swing leg can be configured to
19 relocate the jacking column if the hydraulic
20 actuator is unpinned?

21 **A. Yes, but the swing leg won't be driven by the**
22 **hydraulic jack -- or hydraulic actuator. It would**
23 **be driven by the crawler, but it can be relocated.**

24 Q. Okay. In -- In that situation is the swing leg

1 actively doing anything or is it on -- along for the
2 ride?

3 **A. In that case it appears to be along for the ride, as**
4 **you say.**

5 Q. Okay, so in that case is the swing leg actually
6 configured to relocate the jacking column?

7 MR. MROZ: Objection, leading.

8 **A. Yes; I mean, we have to -- it has to be configured**
9 **in that we have to unpin the hydraulic actuator.**

10 BY MR. PRICE:

11 Q. But the swing leg is not actually moving the jacking
12 column; right? It's the crawler track and the swing
13 leg's along for the ride?

14 **A. Yes, uh-huh.**

15 Q. Okay; so with that understanding, is the swing leg
16 actually configured to relocate the jacking column
17 while moving and under load or is the -- in -- in
18 the relocation to the transport mode is that
19 happening where the crawler track alone is
20 responsible for moving the swing leg and the jacking
21 column?

22 MR. MROZ: Objection, form.

23 **A. Let me make sure I understand the question that's**
24 **being --**

1 BY MR. PRICE:

2 Q. Uh-huh.

3 A. -- asked here. So I think we're now talking about
4 the -- and the paving direction as opposed to moving
5 to transport. Are we still in the moving to
6 transport discussion?

7 Q. Okay; so that's kind of what I'm trying to get to
8 here, Doctor. So you -- we agree that Claim 6
9 covers the embodiment where the swing leg and
10 crawler track are both actuated at the same time and
11 can move under load. That's the on-the-fly steering
12 embodiment --

13 A. Yes.

14 Q. -- correct?

15 A. Right.

16 Q. Okay.

17 A. That means that you have -- that the two have to be
18 coordinated and work together in order -- much like
19 in the discussion we had of the smaller device in
20 the last discussion. I can't remember the name of
21 the -- the device, but where both have to work
22 together in order to establish the direction of the
23 machine and hold it in the direction that you've
24 chosen.

1 Q. Okay, so now I want you to read the full claim
2 limitation up to where it says, "while moving and
3 under load" and tell me whether or not you think
4 that that phrase refers to both the swing leg and
5 the crawler track moving in that coordination that
6 you just spoke about.

7 A. Yes, it does.

8 MR. PRICE: Okay. I have no further questions.

9 A. The intent seems clear.

10 MR. PRICE: Yeah, I have no further questions.

11 MR. MROZ: Okay. Just one follow-up quick
12 question.

13 FURTHER EXAMINATION

14 BY MR. MROZ:

15 Q. You had mentioned, "the smaller device in the last
16 discussion"?

17 A. Yes; yeah, this patent.

18 THE WITNESS: Go ahead.

19 MR. PRICE: Objection, scope.

20 MR. MROZ: Well, he just talked about it in his
21 answer.

22 MR. PRICE: His answer? Okay.

23 BY MR. MROZ:

24 Q. Yeah. So in responding to counsel's questions --

1 **A. Yes.**

2 Q. -- a moment ago you used the term -- in your answer
3 you were talking about "the discussion we had of the
4 smaller device in the last discussion."

5 **A. Yes.**

6 Q. Was that the Skotnikov reference we were talking
7 about?

8 **A. Let me look at it to make sure; yes.**

9 MR. MROZ: Okay. No further questions.

10 **A. Yeah.**

11 MR. PRICE: Okay.

12 THE REPORTER: So same orders as yesterday?

13 MR. PRICE: Yes.

14 MR. MROZ: Yes.

15 (Deposition concluded at 10:11 a.m.)

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1 C E R T I F I C A T E

2 I, the undersigned, a Certified Shorthand
3 Reporter of the State of Iowa, do hereby certify
4 that there came before me at the time, date, and
5 place hereinbefore indicated, the witness named on
6 the caption sheet hereof, who was by me duly sworn
7 to testify to the truth of said witness's knowledge
8 touching and concerning the matters in controversy
9 in this cause; that the witness was thereupon
10 examined under oath, the examination taken down by
11 me in shorthand, and later reduced to Computer-Aided
12 Transcription under my supervision and direction,
13 and that the deposition is a true record of the
14 testimony given and of all objections interposed to
15 the best of my ability.

16 I further certify that I am neither attorney or
17 counsel for, nor related to or employed by any of
18 the parties to the action in which this deposition
19 is taken, and further, that I am not a relative or
20 employee of any attorney or counsel employed by the
21 parties hereto or financially interested in the
22 action.

23 Dated at Clarence, Iowa, this 9th day of May,
24 2025.

CERTIFIED SHORTHAND REPORTER

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