

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 IPR2024-00835
Patent No. 11,535,318

**PETITIONER'S OBJECTIONS TO
PATENT OWNER'S DEMONSTRATIVES**

Pursuant to the Order Setting Oral Argument (Paper 35), Petitioner objects to Patent Owner's demonstratives for the reasons provided below.

Slides 33-36

Slides 33-36 contain all new images that do not appear in the cited exhibits (2040 and 2046) or any previous paper, and Patent Owner never made the comparisons shown in the slides in its prior papers.

Copying - GP3 is substantially similar to G&Z's S600



G&Z S600 Paver Introduced 2010

All photos in this and the next three slides come from Ex. 2040
(<https://www.youtube.com/watch?v=wEtMOGdBqbl> and
<https://www.youtube.com/watch?v=zXDW/qokcbw>



Gomaco GP3 Paver Introduced 2015

All photos in this and the next three slides come from Ex. 2046
(<https://www.youtube.com/watch?v=RUbWq/VR9fNo>

Copying – GP3 is substantially similar to G&Z's S600

	G&Z S600 2010	GOMACO GP3 2015
Smart Leg and Jacking Columns With Slew Drives Reposition Crawler Tracks “On the Fly” and Underload From any Swing Leg Position	 “SmartLeg”	 “Smartleg” Positioning
	 “AccuSteer” Slew Drive Steering	 “Extreme” Slew Drive Steering

Ex. 2040 (<https://www.youtube.com/watch?v=wEtMOGdBqbl>);
<https://www.youtube.com/watch?v=zXDWWqokcbw>;
 Ex. 2046 (<https://www.youtube.com/watch?v=RUBWqVR9fNo>)

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Copying – GP3 is substantially similar to G&Z's S600

	G&Z S600 2010	GOMACO GP3 2015
With Smart Legs and Slew Drives Counterrotation and 90 Degree / Transverse Steering Is Possible from Any Swing Leg Position	 Counterrotation	 Counterrotation
	 90 Degree Steering	 Transverse Steering

Ex. 2040 (<https://www.youtube.com/watch?v=wEtMOGdBqbl>);
<https://www.youtube.com/watch?v=zXDWWqokcbw>;
 Ex. 2046 (<https://www.youtube.com/watch?v=RUBWqVR9fNo>)

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Copying – GP3 is substantially similar to G&Z's S600

	G&Z S600 2010	GOMACO GP3 2015
Legs Walked Into Outboard Position		
With Smart Legs and Slew Drives using the 90 Degree Sterring Mode Jacking Columns and Crawler Tracks are Walked into Transport Position Under Load		
Machine Transformed and Shown in Transport Mode		
Ex. 2040 (https://www.youtube.com/watch?v=wEtMOGdBqbl); https://www.youtube.com/watch?v=zXDVVqokctw; Ex. 2046 (https://www.youtube.com/watch?v=RUbWqVVR9fNo)		

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Slides 38 and 40

Slides 38 and 40 both discuss exhibits that are not of record in this proceeding (an oral hearing transcript and the Holley declaration from the prior '749 IPR), and Patent Owner first attempted to introduce those exhibits into this proceeding in its Sur-Reply, contravening 37 C.F.R. § 42.23(b).

Decade Long Need for On-the-Fly Paver Adjustments

Petitioner conceded that the need for more maneuverable pavers was known at least as far back as the early 2000s when the change was made to rehab highways.

- Fed. Cir. held that a 6-year need was long felt. *Texas Instruments, Inc. v. U.S. Int'l Trade Comm'n*, 988 F.2d 1165, 1178 (Fed. Cir. 1993)

'749 IPR, Paper 76 (Oral Arg.) at 98:3-19; Ex. 2023, ¶ 4; P.O. Response at §VII(B); P.O. Sur-Reply at §V(C).

In the early 2000s, contractors began requesting a slipform paver that could maneuver in the tight confines of urban and airport worksites, as the industry began moving towards more jobs centered on repairing roads rather than originally laying them down on undeveloped ground where space was not limited and maintaining traffic was not an issue. Bryden Decl., ¶71; Ex. 2022 ("Greenwood Decl.") at ¶¶ 3, 5.

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Industry Praise for G&Z's On-the-Fly Paver Adjustments

Mr. Greenwood expressed that G&Z's claimed solution "was a revolutionary change to the conventional slipform paver" and that it "was a license to print money." Ex. 2022 at ¶¶ 6-7

Mr. Holley referred to G&Z's claimed solution as a "game changer." '749 IPR, Ex. 2031 at ¶ 7; P.O. Response at §VII(E); P.O. Sur-Reply at §V(E).

7. G&Z's SmartLeg / AccuSteer technology significantly reduced the time it took to reposition the slipform paver from one mode to another, as the technology allows an operator to automatically readjust the positions of the swing legs and rotate the crawler tracks to 90 degree steering position to walk the slipform paver from one paving location to another. This revolutionary change was a license to print money.

7. Purchasing G&Z's slipform pavers with SmartLeg / AccuSteer technology was a game changer, as it dramatically decreased the number of workers required and time spent on repositioning the swing legs and crawler tracks. Specifically, the technology reduced the number of workers from roughly six down to two—just the operator and the supervisor—that are needed to reposition the slipform paver. With the SmartLeg / AccuSteer technology, an

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Respectfully Submitted,

Date: August 19, 2025

By: /Jason Stach/
Jason Stach, Reg. No. 54,464

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **PETITIONER’S OBJECTIONS TO PATENT OWNER’S DEMONSTRATIVES** was served on August 19, 2025. The parties have agreed that filing with the Board through the PTAB’s P-TACTS system constitutes electronic service on Patent Owner, and Petitioner filed the documents via the PTAB’s P-TACTS system. Accordingly, Petitioner electronically served Patent Owner’s counsel of record, including James Hannah, Jeffrey H. Price, and Jenna Fuller.

Dated: August 19, 2025

By: /Daniel E. Doku/
Daniel E. Doku
Senior Litigation Paralegal
FINNEGAN, HENDERSON, FARABOW,
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