

In the Matter Of:
SOLARIS V MASABA

JEREMY WEINSTEIN

October 10, 2023



JD Legal Support
2901 W. Bluegrass Blvd., Ste. 200
Lehi, Utah 84043

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

3 SOLARIS OILFIELD SITE)
4 SERVICES OPERATING, LLC)
5 and SOLARIS OILFIELD)
6 SITE SERVICES)
7 PERSONNEL, LLC,)
8 Petitioners,)
9 vs.)
10)
11 MASABA, INC.,)
12)
13 Patent Owner.)

CERTIFIED COPY

Case No. IPR2024-01179
Patent No. 11,780,689
Issue Date: 10-10-23

Title: Aggregate
Transferring System

11 VIDEOCONFERENCE DEPOSITION OF: JEREMY WEINSTEIN

12 SEPTEMBER 17, 2025

13 9:03 A.M. TO 1:30 P.M.

14 Location: Held via Zoom

15 Reporter: Phoebe S. Moorhead, RDR, CRR, UT CCR
16 Certified Court Reporter for the State of Utah
17 (Attended by video)

1 A P P E A R A N C E S

2 For the Petitioners:

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6 For the Patent Owner:

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(Appeared by video)

12	Also Present:	Sydney Smithhart
		In-House Counsel
13		Solaris

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C O N T E N T S

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I T E M S R E Q U E S T E D

None

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1 P R O C E E D I N G S

2 MR. NYDEGGER: I guess we'll just do
3 appearances. My name is Chad Nydegger from the law
4 firm Workman Nydegger, appearing on behalf of the
5 patent owner, Masaba Inc.

6 MR. MORICO: And I'm Paul Morico with the
7 law firm of Baker Botts. It's Houston office. I'm
8 representing the petitioners, Solaris Site Services
9 Operating LLC and Solaris Oilfield Site Services
10 Personnel LLC.

11 Also in the room with me is in-house
12 counsel from Solaris, Sydney Smithhart. I'll be
13 the defending attorney.

14 JEREMY WEINSTEIN
15 called as a witness herein, having been first duly
16 sworn by the Certified Court Reporter to tell the
17 truth, was examined and testified as follows:

18 EXAMINATION

19 BY MR. NYDEGGER:

20 Q. Good morning, Mr. Weinstein.

21 A. Good morning.

22 Q. Will you please state and spell your name
23 for the record?

24 A. Jeremy Weinstein. You want me to spell
25 my name?

1 Q. Yes, please.

2 A. W-E-I-N-S-T-E-I-N.

3 Q. Thank you. Mr. Weinstein, have you been
4 deposed before?

5 A. No.

6 Q. Okay. Has your counsel explained to you
7 sort of the format of the deposition?

8 A. Yes.

9 Q. Okay. Mr. Weinstein, during the
10 deposition, if at any time you need to take a
11 break, let me know and I'll find a place for us to
12 break. Is that agreeable? Is that agreeable?

13 A. Yes.

14 Q. Okay. And because we're in a deposition
15 and because we have a court reporter that's
16 recording this deposition, when you answer, you
17 need to give verbal answers. The court reporter is
18 not able to transcribe gestures such as nods or
19 shakes of the head, that sort of thing. Do you
20 understand that?

21 A. Yes.

22 (Discussion off the record.)

23 Q. (BY MR. NYDEGGER) Mr. Weinstein, during
24 the deposition, in order to have a clean transcript
25 and to allow our court reporter to record

1 everything that's said, as she mentioned, it works
2 a lot better if we don't talk over each other. And
3 so if you could -- even if you understand where my
4 question is going, if you could wait until I finish
5 my question before you start your answer, then that
6 will help us have a clean transcript. Do you
7 understand that?

8 A. Yes.

9 Q. Okay. And I'll do my best to afford you
10 the same courtesy of waiting until your answer is
11 done before I start the next question.

12 Also, after the deposition, you may have
13 a chance to review and make changes to the
14 transcript. However, if I ask a question and you
15 provide an answer, then the record will reflect
16 that you answered the question as it was asked. Do
17 you understand that?

18 A. Yes.

19 Q. Okay. Mr. Weinstein, to your knowledge,
20 when did multi-silo configurations first come into
21 use in the oil field industry?

22 A. I don't have any information about that.

23 Q. To the best of your recollection, when
24 did you first see multi-silo configurations in the
25 oil field industry?

1 A. I was introduced to them in 2013.

2 Q. Okay. And to the best of your knowledge,
3 when did Solaris introduce its silo six-pack
4 configuration?

5 A. In 2013.

6 Q. Okay. You weren't with Solaris at that
7 time, correct?

8 A. No.

9 Q. When did you join Solaris?

10 A. 2020.

11 Q. Okay. Solaris has a department to design
12 and manufacture new equipment; is that correct?

13 A. Yes.

14 Q. And you are over that department,
15 correct?

16 A. No.

17 Q. Do you have any role with that
18 department?

19 A. Yes.

20 Q. What's your role?

21 A. Mechanical engineer.

22 Q. Are you a lead engineer?

23 A. Yes.

24 Q. And so are you a lead engineer within
25 that department at Solaris that designs and

1 manufactures new equipment?

2 A. Yes.

3 Q. Approximately how many equipment
4 designers does Solaris have in that department?

5 A. What do you mean by that?

6 Q. I'm just asking the number of designers.
7 Is it 5? Is it 10? Is it 500? Approximately how
8 many designers does Solaris have in its department
9 responsible for designing new equipment?

10 A. Do you mean engineers or CAD designers or
11 technicians or people that contribute to -- I mean,
12 what do you mean by "designer"?

13 Q. Sure. Well, why don't you give me a
14 breakdown of each category of individuals that
15 assist with the design of new equipment and tell me
16 how many there are of each?

17 A. Well, mechanical engineers, we have four.
18 People serving in the role of electrical engineer,
19 we have two. We have a software engineer. We have
20 four mechanical technicians and two mechanical
21 designers, a technical assistant, and an
22 instrumentation designer. And that's it.

23 Q. Since you've been with Solaris, what
24 pieces of equipment have -- has the Solaris design
25 department designed and manufactured?

1 A. We designed the Solaris bucket elevator
2 system. We designed the Solaris blending system.
3 We designed a secondary truck unloader. We
4 designed a slurry filtering skid. We've designed a
5 type of wet sand delivery system. We designed an
6 active sand filtration system. We designed a
7 selective -- mobile selective catalytic reduction
8 system. We've -- I mean, and there's many that
9 I've forgotten, I'm sure.

10 Q. And those were all designed during your
11 tenure?

12 A. Yes.

13 Q. Do you consider the various engineers and
14 designers and technicians at Solaris to be
15 competent?

16 A. Yes.

17 Q. Are they good at what they do?

18 A. Yes.

19 Q. Would you say that they're average or
20 above average?

21 A. I would say above average.

22 Q. In early 2020, Solaris decided it needed
23 to -- needed to fill a -- sorry. In early 2020,
24 Solaris decided it needed a new top-fill system for
25 its six-pack silo configuration, correct?

1 A. I was investigating those ideas at the
2 time.

3 **Q. Why?**

4 A. As early as 2013, coincident with my
5 observation of the Solaris system at the time, I
6 could see that there was likely an opportunity for
7 improvement in the rates of filling for the sand
8 silo system.

9 **Q. And that was -- you made that observation**
10 **in 2013?**

11 A. Yes.

12 **Q. Why was there a need to increase the**
13 **filling rate for the silos?**

14 A. So the pneumatic system's offloader rate
15 of 1,000 pounds per minute. And so to deliver the
16 required rate of sand offloading, you have to run
17 multiple of those units.

18 **Q. When you say that you have to run**
19 **multiple of those units, do you mean you have to**
20 **run multiples of those units at the same time?**

21 A. Yes.

22 **Q. And why is it necessary to run multiple**
23 **pneumatic systems at the same time?**

24 MR. MORICO: Objection. Foundation.

25 THE WITNESS: Frack job -- could you

1 repeat the question?

2 Q. (BY MR. NYDEGGER) Yes. The question
3 was, why was there a need to use multiple pneumatic
4 systems to fill -- at the same time to fill silos?

5 A. Frack jobs run at the variable sand rate.
6 Initially they don't pump any sand, but then
7 towards the end of the job, they'll pump a
8 relatively high rate of sand. It would be 10,000
9 pounds, 20,000 pounds per minute of sand. So to
10 keep up with that sand usage rate, you would need
11 multiple units.

12 Q. Okay. For how long had Solaris been
13 using the pneumatic top-fill systems?

14 A. They used -- they started off with a
15 pneumatic top-fill system or pneumatic filling
16 system, and that's what they started off with.

17 Q. And when did they start using the
18 pneumatic fill system?

19 A. When they first introduced the silos in
20 2013.

21 Q. Did Solaris look into developing a fill
22 solution on its own?

23 A. That was before my time there.

24 Q. Well, once you identified -- once you
25 arrived and identified that a faster fill system

1 would be advantageous, did Solaris look into
2 developing a solution to meet that need at that
3 time?

4 A. They approached me after I was working on
5 it.

6 Q. When you say "they," who do you mean?

7 A. Leadership within the company.

8 Q. So the leadership at Solaris approached
9 you?

10 A. Yes.

11 Q. And what did they ask?

12 A. That we needed to develop a higher rate
13 sand filling solution.

14 Q. And so did you take that problem to the
15 design team at Solaris and get their input on it?

16 A. I was working on it through vendors at
17 the time.

18 Q. Why didn't Solaris use its internal
19 design team to design a solution?

20 A. We were occupied with the blender project
21 at the time.

22 Q. And how long did the blender project
23 take?

24 A. 18 months.

25 Q. What's the level of complexity of the

1 blender project as compared to the top-fill system
2 that Solaris now manufactures?

3 A. Much more complex.

4 Q. So you mentioned that you were working
5 with vendors at the time. Which vendors?

6 A. I would have to look back at my e-mail
7 records to get specifics.

8 Q. You don't recall any vendors specifically
9 at this time?

10 A. The only thing that comes to mind, I
11 solicited Baker Hughes, a former employer, with a
12 possibility of purchasing a bucket elevator system
13 that they were using at the time.

14 Q. And why did you decide not to move
15 forward with that?

16 A. Cost.

17 Q. The Baker Hughes system was too
18 expensive?

19 A. I felt so at the time.

20 Q. Approximately how much was the Baker
21 Fields [sic] system?

22 A. 750,000. It was used.

23 Q. So the system -- when you say it was
24 used, you mean that the unit that you were looking
25 at purchasing from Baker Fields was a used unit?

1 A. It came from a company called Quickthree
2 or Smart Sands, which Baker Hughes had purchased to
3 fill Quickthree silos. And I was looking to
4 repurpose it to fill our silos.

5 **Q. What modifications would have been**
6 **required to repurpose it?**

7 A. I'm not sure any. It was a self-erecting
8 bucket elevator with a telescoping conveyor. And I
9 believe it met the height requirements of our
10 equipment.

11 **Q. Were you intending to just buy one unit**
12 **from Baker Fields or multiple units?**

13 A. One to test.

14 **Q. And then assuming the test was**
15 **successful, what was -- what was the plan from**
16 **there?**

17 A. I have -- that never evolved to anything.
18 I can't speculate on what may have happened.

19 **Q. You didn't have a -- you didn't have a**
20 **plan about whether you were going -- you would buy**
21 **additional units from Baker Fields or whether you**
22 **would manufacture similar units in-house if the**
23 **test was successful?**

24 A. I don't remember.

25 MR. MORICO: Chad, it's Baker Hughes, not

1 Baker Fields.

2 MR. NYDEGGER: Thank you. I appreciate
3 that, Paul.

4 Q. (BY MR. NYDEGGER) And so can you recall
5 talking to any other vendors?

6 A. I spoke to a corrugated side wall belt
7 manufacturer. I think that's in the declaration.
8 I don't think we mentioned a specific one. I'd
9 have to review e-mails to see that. And I think
10 there was another system. I don't recall the
11 specifics of it.

12 Q. Do you recall the -- let me step back.
13 Were you looking at a specific existing
14 system to purchase from that company? Or were you
15 looking at having them design one?

16 A. I was looking at developing one in
17 concert with them.

18 Q. And why did you decide not to move
19 forward with them?

20 A. I was otherwise occupied with different
21 projects.

22 Q. And did you have an understanding of the
23 basic concept of how that unit -- of the basic
24 components of that unit, what they would have been?

25 A. Yes.

1 **Q. And describe for me the basic components**
2 **to that belt wall concept.**

3 **A. You would have an unloading conveyor**
4 **feeding a corrugated side wall belt to elevate to**
5 **above the level of silo and then some distributor**
6 **mechanism.**

7 **Q. Anymore detail beyond that? I'm sorry.**
8 **I didn't hear your answer.**

9 **A. No.**

10 **Q. Okay. So is it correct that ultimately,**
11 **you didn't have a solution to fill the need of**
12 **increasing the rate of -- increasing the fill rate**
13 **for Solaris's silos, and so you contacted Anchor to**
14 **develop a solution to meet that need? Is that**
15 **correct?**

16 **A. Not correct. I initially spoke with**
17 **Anchor regarding a loss in weight metering system.**

18 **Q. And so how did it come about that Solaris**
19 **ended up hiring Anchor to develop a top-fill**
20 **solution?**

21 **A. They asked me if there was any other**
22 **projects that they could help with.**

23 **Q. And in response to that inquiry, you**
24 **indicated that Solaris had a need to increase the**
25 **rate of its fill system; is that correct?**

1 A. I told them I was interested in a
2 mechanical top-fill system.

3 Q. How long was it from the time that you
4 first started looking at the -- the need for a fill
5 system with a higher fill rate and when you engaged
6 Anchor to start working on that solution?

7 MR. MORICO: Objection to form.

8 THE WITNESS: I would have to look back
9 at my records for specific dates other than saying
10 that when I first saw the Solaris silos, that I was
11 interested in filling them with a mechanical
12 system.

13 Q. (BY MR. NYDEGGER) So you say that when
14 you first saw the Solaris silos, you were
15 interested in filling them with a mechanic system.
16 By a "mechanic system," do you mean a top-fill
17 system?

18 A. Yes.

19 Q. And when did you first see the Solaris
20 silos?

21 A. 2013.

22 Q. When was the inception of Solaris's
23 profit management solutions offerings?

24 A. I can't speak to the genesis of the
25 company. The silos were developed by a company

1 called Loadcraft really at the prompting of a -- an
2 employee at Baker Hughes. And that occurred in
3 2013. And then Solaris later on became involved,
4 and that was the genesis of that company. But I
5 wasn't involved in that.

6 **Q. So you don't know when Solaris started**
7 **delivering equipment and services for oil field**
8 **service operations; is that correct?**

9 A. I can't speak to a specific date or even
10 necessarily a correct year.

11 **Q. So you don't even know the year?**

12 A. Not within sometime between 2013 and
13 2016.

14 **Q. Okay. When did Solaris start offering**
15 **equipment for transferring frack sand into silos?**

16 A. I mean, they've always loaded frack sand
17 into silos. I guess from the inception of the
18 company. Is that --

19 **Q. And when was the inception of the**
20 **company?**

21 A. Sometime between 2013 and 2016.

22 **Q. Prior to the top-fill system that's at**
23 **issue in this case, to your knowledge, had Solaris**
24 **used bucket elevators for moving proppant?**

25 A. They have a sand terminal in Kingfisher,

1 Oklahoma, that has internal bucket elevators for
2 loading silos. It's a permanent and fixed
3 installation.

4 **Q. Is that the only instance that you're**
5 **aware of in which Solaris has used bucket elevators**
6 **to move sand?**

7 A. It is the only instance that I'm aware
8 of.

9 **Q. And you mentioned that's a permanent**
10 **installation, correct?**

11 A. Yes.

12 **Q. How many different systems has Solaris**
13 **designed for moving proppant into silos?**

14 A. There's a bucket elevator system that we
15 currently have. There is the nonpneumatic system
16 that was its predecessor. And then there was a --
17 I believe a type of double dump system, which I'm
18 not familiar with its operation, and the air cans
19 or pressurized transport trailers. And there might
20 be something else that I don't have any familiarity
21 with prior to my tenure.

22 **Q. The second system that you mentioned, the**
23 **nonpneumatic system, what was that?**

24 A. It uses a truck unloading conveyor to
25 load a hopper. Then it uses an auger screw to

1 charge a high rate airline that then fills the
2 silos.

3 Q. And then you mentioned a double dump
4 system. Do you understand -- have an understanding
5 of how that functioned?

6 A. I'm not familiarly sufficient with that
7 system to comment on it.

8 Q. Does Solaris use a double dump system
9 today?

10 A. No.

11 Q. Do you know why not?

12 I'm sorry. Your audio didn't come
13 through.

14 A. Can you repeat that?

15 Q. Your audio didn't come through on your
16 answer. If you could just repeat your answer.

17 A. Could you ask the question again?

18 Q. Do you know why Solaris does not use the
19 double dump system today?

20 A. No.

21 Q. And then I believe last you said was
22 pressurized transport trailers; is that correct?

23 A. Yes.

24 Q. And how do those function?

25 A. They pressurize a vessel to 20 PSI. They

1 have an aeration pad in the bottom of them. And it
2 fluidizes the sand that's conveyed to a pipe that's
3 charged with a blower. The blower aerates the sand
4 and pushes it to the top of the silo. And we still
5 use those today.

6 Q. Okay. Is that the pneumatic system that
7 we've been talking about earlier?

8 A. Yes.

9 Q. That's the pneumatic system that -- for
10 which you wanted to find a system that had a faster
11 fill rate, correct?

12 A. Yes.

13 Q. When did you learn that Masaba has both
14 engineering and manufacturing capabilities
15 in-house?

16 MR. MORICO: Objection. Foundation.

17 THE WITNESS: We were introduced to
18 Masaba by Anchor. I don't know the specific date.

19 Q. (BY MR. NYDEGGER) Would that have been
20 sometime in 2020?

21 A. Yes.

22 Q. And so in 2020, you knew that Masaba had
23 both engineering and manufacturing capabilities
24 in-house; is that fair?

25 A. Yes.

1 Q. I'm -- I'm going to introduce an exhibit.
2 We'll see if this works. It should. I'm going to
3 place a document in the chat, and you should be
4 able to pull up that document on your computer.

5 Before I do that, Mr. Weinstein, do you
6 have any documents with you in the room today?

7 A. Yes.

8 Q. What documents do you have? I'm sorry.
9 Your audio did not come through.

10 A. I don't know what documents are available
11 to me. We have a binder of documents.

12 MR. MORICO: I'll represent, Chad, he's
13 got his declaration and the exhibits to the
14 declaration for ease of reference.

15 MR. NYDEGGER: Okay. Thank you, Paul.

16 Q. (BY MR. NYDEGGER) Does that binder
17 contain Exhibit-1031?

18 MR. MORICO: Did you say 1031?

19 MR. NYDEGGER: Yes.

20 Q. (BY MR. NYDEGGER) I'm sorry. If you
21 answered, Mr. Weinstein, it didn't come through the
22 audio.

23 A. It doesn't have Exhibit-1031.

24 Q. Okay. Are you familiar with what has
25 been referred to in this proceeding as the Waldner

1 reference?

2 A. Huh?

3 Q. Are you familiar with the document that
4 has been referred to as the Waldner reference in
5 this case?

6 A. I have no knowledge of that.

7 MR. NYDEGGER: Can we go off the record
8 for just a minute? I'm having a technical issue.

9 (Off the record from 9:39 a.m. to
10 9:40 a.m.)

11 Q. (BY MR. NYDEGGER) Mr. Weinstein, do you
12 have Exhibit-1037 in your binder? Your audio
13 didn't come through again.

14 A. I don't believe so.

15 Q. Okay. I've put Exhibit-1037 in the chat.
16 Are you able to open that up?

17 A. We have it open.

18 Q. Mr. Weinstein, do you recognize
19 Exhibit-1037? I'm sorry. Your audio cut out
20 again.

21 A. I know it's the Foresite top-fill system,
22 but I don't -- I've never seen this exhibit before.

23 Q. Okay. Back in May 2020, were you aware
24 of the Foresite system that's shown in
25 Exhibit-1037?

1 A. I can't speak to the specific dates. We
2 did provide information to Mike Stanton at some
3 point regarding the system.

4 Q. But you don't recall if you were aware of
5 this system before providing it to Mike Stanton?

6 A. Much like the Quickthree system, which I
7 was researching well before I contacted Mike
8 Stanton, I was researching other systems. I can't
9 speak specifically if this was one of those
10 systems.

11 Q. Okay. I think you mentioned that this
12 was similar to another system. Is that correct?
13 Another system that you were investigating?

14 A. The system is similar -- I mean, this
15 Foresite system is similar to some other system?
16 What do you --

17 Q. I thought -- yes. I'm sorry. I thought
18 that you mentioned that this Foresite system in
19 Exhibit-1037 is similar to another system that you
20 were investigating around May 2020. Did I
21 misunderstand?

22 A. It would be similar to the Quickthree
23 system.

24 Q. Okay. That's the Quickthree system that
25 we discussed earlier?

1 A. Yes.

2 Q. You don't recall specifically
3 investigating the Foresite logistics system,
4 though; is that correct?

5 A. I did. I can't tell you a time frame.

6 Q. You say that you did, but what?

7 A. I did investigate the system. I can't
8 tell you the specific time frame.

9 Q. Okay. Do you recall why you decided not
10 to go with the Foresite logistics system? I'm
11 sorry. Did you answer? The audio didn't come
12 through if you did.

13 A. No. I don't recall.

14 Q. Do you know whether the Foresite
15 logistics systems is transportable?

16 A. It is.

17 Q. And do you know whether the Foresite
18 logistics system has -- is integrated into one
19 system from the base conveyor to the elevating
20 conveyor to the discharge conveyor?

21 A. The Quickthree is. I can't speak to
22 specifics about the Foresite system.

23 Q. Okay. And you don't -- you decided not
24 to move forward with the Foresite logistics system,
25 but you don't recall why, correct?

1 A. That's correct.

2 **Q. And so ultimately, Solaris decided to**
3 **hire Anchor to develop a new top-fill system,**
4 **correct?**

5 A. To work with us in development of a new
6 top-fill system, yes.

7 **Q. And then Anchor brought in Masaba to do**
8 **the design work on that top-fill system, correct?**

9 A. Yes.

10 **Q. And so Masaba was hired to both design**
11 **and manufacture a top-fill system that would**
12 **increase the fill rate to 10,000 pounds per minute?**

13 A. They were hired to manufacture a unit
14 that would fill at a minimum of 10,000 pounds per
15 minute.

16 **Q. You state that Solaris had previously**
17 **considered corrugated side wall conveyor belts of a**
18 **similar configuration manufactured by various**
19 **companies before you had any contact with Masaba**
20 **regarding this project, correct?**

21 A. Yes.

22 **Q. Have you provided any documents to**
23 **support that statement?**

24 A. We had e-mail correspondence.

25 **Q. Has that e-mail correspondence been**

1 provided with your declaration?

2 A. I don't know what -- I don't know what my
3 attorney has presented.

4 Q. You don't know what your attorney what?

5 A. I don't know what our attorneys have
6 presented.

7 Q. Do you know what was presented with your
8 declaration?

9 A. Yes. I know the attachments from the
10 declaration.

11 Q. And those attachments did not include any
12 e-mail correspondence regarding Solaris's
13 consideration of corrugated side wall conveyor
14 belts prior to having contact with Masaba; is that
15 correct?

16 A. Statements are made within the
17 declaration. I would have to review the
18 attachments to see whether or not that was
19 included.

20 Q. Okay. So in August of 2020, you began
21 working with Masaba and Anchor on a new top-fill
22 silo system, correct?

23 A. Some time around that date.

24 Q. And in paragraph 9, you state that
25 Solaris had suggested corrugated side wall belts

1 for the incline conveyor prior to August of 2020,
2 correct? It's the fourth line down in paragraph 9.

3 A. Yes.

4 Q. Is there a reason you didn't provide any
5 documents to corroborate that statement?

6 A. Corroborate what statement?

7 Q. The statement -- the statement that
8 Solaris had suggested a corrugated side wall belt
9 for the incline conveyor prior to the date of
10 August 13th, 2020.

11 A. We can provide e-mails showing that I
12 researched that information at the time.

13 Q. You say that you can, but is there a
14 reason you did not with your declaration?

15 A. My attorney did not elect to.

16 Q. At the end of paragraph 9, the very last
17 sentence, you state, "We noted the aerosolized were
18 a commonly used type of conveyor in the marketplace
19 at that time."

20 When you say "at that time," what time
21 are you referencing there?

22 A. The time at which we reviewed this
23 concept.

24 Q. And when you say "we noted," to whom are
25 you referencing?

1 A. It was internal discussions within our
2 company.

3 **Q. Okay. When did you first learn about the**
4 **Dynatek EconoLoader?**

5 A. When it was presented to us by Masaba.

6 **Q. So prior to correspondence from Anchor**
7 **and Masaba, you were not aware of the Dynatek**
8 **EconoLoader, correct?**

9 A. We were aware of similar distributors,
10 but not specifically the Dynatek EconoLoader.

11 **Q. What distributors?**

12 A. So the DCL company has offered
13 articulating positioning arms. We have some
14 references in here regarding different articulating
15 loaders.

16 **Q. And when were you aware of those?**

17 A. Around that time when we were researching
18 a top-fill system.

19 **Q. And when you say "around that time," are**
20 **you referencing around May 2020?**

21 A. Sometime in 2020.

22 **Q. Do you know if that was before or after**
23 **you learned about the Dynatek EconoLoader?**

24 A. Dyna -- I can't speak to specific dates.
25 It's been five years.

1 Q. Yeah. I'm not -- I'm not asking for a
2 specific date. I'm just trying to understand
3 relative time frames. Do you know if you became
4 aware of those other articulating discharge systems
5 before you learned of the Dynatek system?

6 MR. MORICO: Objection. Form.

7 THE WITNESS: I can't speak to specific
8 dates or even -- it's been five years.

9 Q. (BY MR. NYDEGGER) So you don't recall?
10 Is that correct?

11 A. I don't recall. No.

12 Q. You did not suggest using an articulated
13 discharge system to Anchor or Masaba; is that
14 correct?

15 A. We presented a number of systems to them
16 that might be acceptable, but we did not include an
17 articulated system. The Foresite system has an
18 incorporated slew drive and telescoping conveyor.
19 An articulated system has a slew drive, a conveyor,
20 and then another slew drive.

21 Q. An articulating discharge system is
22 different than a telescoping one, correct?

23 A. Yes.

24 Q. And you did suggest a telescoping
25 discharge system, but you did not suggest an

1 articulating discharge system, correct?

2 A. Provided the telescoping system as an
3 example, yes.

4 Q. To your knowledge, has Solaris ever used
5 an articulating system similar to that shown in
6 Dynatek?

7 A. Not to my knowledge.

8 Q. Have you personally ever incorporated an
9 articulated system like that of Dynatek into a
10 system?

11 A. Not prior to the implementation of the
12 Solaris elevator.

13 Q. So before the product at issue in this
14 case, you had not incorporated an articulated
15 loader like that of Dynatek into a system, correct?
16 Your audio didn't come through.

17 A. No.

18 Q. No, that's not correct?

19 A. Prior to the implementation of the
20 Dynatek system on the Masaba bucket elevator, we
21 had not used a system like that within Solaris, and
22 I had not personally used a system like that within
23 Solaris.

24 Q. Okay. Thank you for clarifying that. Do
25 you have Exhibit-1126 in front of you?

1 A. Yes.

2 **Q. What is that exhibit?**

3 A. What is that?

4 **Q. Can you tell me what that exhibit is?**

5 A. It shows the vortex dust freeloading
6 spouts.

7 **Q. And were you aware of that system in the**
8 **time frame of around May 2020?**

9 A. These systems are commonly used in sand
10 mines to load trucks. I've seen them before.

11 **Q. When you say you'd seen them before, can**
12 **you give me an idea of the time frame?**

13 A. I visited multiple sand mines prior to
14 the invention or development of this Solaris bucket
15 elevator. I can't speak to a specific date.

16 **Q. Do you recall whether that was before**
17 **your employment at Solaris or after?**

18 A. It would have been during my employment
19 with Solaris.

20 **Q. But you don't remember if that was before**
21 **or after May 2020, correct?**

22 A. I can't speak to the specific dates, no.
23 I may have seen one at Chesapeake Sand Mine. We
24 visited other sand mines. I can't say which one I
25 saw there.

1 **Q. When's the last time you visited a sand**
2 **mine?**

3 A. It's been a few years now.

4 **Q. By "a few," do you mean two, three, five,**
5 **seven? Can you give me an idea of a few years?**

6 A. At least two years.

7 **Q. You did not send the system in**
8 **Exhibit-1126 to Masaba as a potential system that**
9 **could be used while designing the top-fill system**
10 **for Solaris, correct?**

11 A. That's correct.

12 **Q. Why not?**

13 A. In their proposal incorporating the
14 corrugated side wall belt, it already incorporated
15 the system.

16 **Q. So are you saying that a system that you**
17 **did send to Masaba already incorporated the system**
18 **in Exhibit-1126?**

19 A. If you look at Exhibit-1102, they came
20 back with the corrugated side wall belt system, and
21 you can see a telescoping discharge chute
22 incorporated there.

23 **Q. Okay.**

24 A. I believe these are commonly presented on
25 the Dynatek website.

1 Q. Mr. Weinstein, I've put in the chat
2 Exhibit-1004. Could you open that, please? Just
3 let me know when you have that open.

4 A. It's open.

5 Q. Do you see that this is a U.S. patent
6 issued to Waldner?

7 A. Yes.

8 Q. Have you seen this patent before?

9 A. I have never seen this.

10 Q. If you just scroll down and look at the
11 figures quickly --

12 A. So is this the Solaris bucket elevator or
13 the Schlumberger bucket elevator patent?

14 MR. MORICO: Counsel, is this in his
15 declaration?

16 MR. NYDEGGER: The Waldner patent is not
17 in his declaration, but I'm not going to ask him
18 specific questions about it.

19 Q. (BY MR. NYDEGGER) Mr. Weinstein, if you
20 could look, for example, at -- I'm looking for a
21 good figure here. If you look at Figure 15. Just
22 let me know when you have that.

23 A. We see it.

24 Q. Looking at Figure 15, do you understand
25 that this is a conveyor system to convey material

1 to an elevated position and then discharge it
2 through a chute that has an arrow pointing to it,
3 number 242?

4 MR. MORICO: Counsel, this is outside the
5 scope of his declaration. He's not going to ask
6 questions about -- he's not going to answer
7 questions about this.

8 MR. NYDEGGER: I'm not going to ask him
9 specific questions about Waldner. I'm just asking
10 if he understands the type of system that it is.

11 THE WITNESS: Based -- I would have to
12 make a determination based upon your interpretation
13 of the operation system, and I don't feel
14 comfortable in that without extensive study of this
15 patent and the history of its application. I mean,
16 I can't -- I can't make a professional judgment
17 about this patent on the spot.

18 Q. (BY MR. NYDEGGER) Sure. And I'm not
19 asking you to. I'm just trying to understand if
20 you are aware of conveyance systems that use a
21 bucket elevator and then a discharge chute at the
22 top to discharge the material to a desired
23 location. Are you aware of systems like that?

24 A. I provided examples of that to Mike
25 Stanton, which I assume may have been provided to

1 Masaba, the Foresite system for one, and the
2 Quickthree system which I spoke to earlier.

3 Q. Okay. And did those systems use a
4 discharge chute as opposed to a conveyor?

5 A. The systems that I spoke to, Quickthree
6 and Foresite, used a conveyor.

7 Q. Okay. Were you aware of systems that
8 used a chute to discharge the material instead of a
9 conveyor?

10 A. A chute being a gravity slide? Is that
11 what you mean?

12 Q. Yes.

13 A. One of the systems that we sent to
14 Stanton included that. I guess it's -- I don't
15 know if it's in one of the exhibits.

16 Q. Okay. So you were aware of those. Were
17 you aware of those in the May 2020 time frame?

18 A. Yes.

19 Q. Going back to your declaration, in
20 paragraph 10, you state, "In my experience,
21 incorporating articulated loader like the Dynatek
22 conveyor systems into the system was an obvious way
23 to more effectively reach the inlets at the top of
24 the silos from the top of the conveyor."

25 Do you see that?

1 A. Yes.

2 **Q. In that sentence, when you say "into this**
3 **system," what system are you referring to?**

4 A. The system from -- example, 1102, where
5 it's shown --

6 **Q. Can you wait for just a minute so I can**
7 **pull up 1102?**

8 A. It's shown as part of the corrugated side
9 wall unit.

10 **Q. So in your paragraph 10, when you say,**
11 **"incorporating articulated loader like the Dynatek**
12 **conveyor systems into this system," you're**
13 **referring to the systems that are presented in**
14 **Exhibit-1102?**

15 A. Yes. And which later became the bucket
16 elevator.

17 **Q. And 1102, that is a -- that's a system**
18 **that Masaba designed, correct?**

19 A. We proposed the corrugated side wall belt
20 and asked for the incorporation of the truck
21 unloader. We provided the basis of design or the
22 genesis of these elements.

23 **Q. So you say you provided the what?**

24 A. We provided the recommendation of the
25 corrugated side wall belt and the integration of a

1 truck unloader into a single unit.

2 Q. Okay. When you say that you provided the
3 recommendations, you provided the idea of having
4 a -- well, actually, we'll get to that later.

5 So in your -- in your view, the
6 combination of a truck unloader that is connected
7 to an elevating conveyor, an elevated bucket
8 conveyor, and then an articulated discharge chute,
9 putting those elements together in your view is --
10 is obvious, correct?

11 A. Yes.

12 Q. And so in your view, there's nothing
13 patentable about that combination of elements,
14 correct?

15 MR. MORICO: Objection. Form.

16 THE WITNESS: That would be to the patent
17 office's determination.

18 Q. (BY MR. NYDEGGER) Well, I'm just asking
19 for your view.

20 MR. MORICO: Same objection.

21 THE WITNESS: In -- in our industry, if
22 we don't see something available, it's in our
23 interest to file a patent to provide access to the
24 market or protect our position in the market. If
25 the -- if it's rejected by the patent office, fine.

1 That means they said it's not novel. If it's
2 accepted, then, you know, that's a benefit to us.

3 Q. (BY MR. NYDEGGER) Okay. Is it also a
4 practice in your industry to file patents on
5 products that are seen out in the industry?

6 A. I can't -- I can't make an assessment of
7 that.

8 Q. Is that Solaris's practice?

9 MR. MORICO: Objection. Form.

10 THE WITNESS: I can't speak to what
11 leadership within our company determines.

12 Q. (BY MR. NYDEGGER) Is that your practice?
13 I apologize. Is that your practice?

14 A. I want a disclosure when I think there's
15 value in it.

16 Q. I'm sorry. The audio didn't come
17 through. Can you say that again, please?

18 A. I develop a disclosure when I think
19 there's value in it.

20 Q. Even on other products that you see in
21 the marketplace?

22 A. I don't know what you're asking there.

23 Q. If you see a piece of equipment in the
24 marketplace that you think has value in it, do you
25 file a patent application on it?

1 MR. MORICO: Objection. Form.

2 THE WITNESS: We -- we wouldn't file a
3 patent or somebody else's product.

4 Q. (BY MR. NYDEGGER) When you say that you
5 suggested the use of -- you suggested the use of a
6 belt conveyor and you suggested the use of an
7 attached truck unloader, what detail regarding
8 those two basic elements, the idea of combining a
9 belt conveyor and a truck unloader, did you
10 provide?

11 A. We provided an e-mail to Mike Stanton
12 saying that that was desirable.

13 Q. So that -- so that e-mail just --
14 actually, in that e-mail regarding the truck
15 unloader being included as part of the unit, you
16 just asked the question, "Is it possible to include
17 the truck loader as part of the unit?" Correct?

18 MR. MORICO: Objection. Form.

19 THE WITNESS: I would have to review the
20 e-mail for specifics.

21 Q. (BY MR. NYDEGGER) Okay. Whatever is
22 contained in that e-mail is the sum total of the
23 information regarding integrating a truck loader
24 with an elevating conveyor that you provided to
25 Anchor and Masaba, correct?

1 A. I can't speak to the totality of that.

2 **Q. Other than that e-mail, do you recall**
3 **providing any other details?**

4 A. I do not recall.

5 **Q. Could you look at Exhibit-1128? That**
6 **should be in your binder.**

7 A. Okay.

8 **Q. Do you see that?**

9 A. Yes.

10 **Q. What is that?**

11 A. It looks to be a double articulating
12 loader with a telescoping spout.

13 **Q. And were you aware of the system shown in**
14 **Exhibit-1128 back in May 2020?**

15 A. I can't speak to a specific time. I do
16 not recall. In reviewing systems provided by
17 Anchor and, as we learned, Masaba, I took a look at
18 what was available on the internet at the time.
19 And I can't speak specifically to what I observed
20 at that time.

21 **Q. You don't recall whether you saw this --**
22 **this system in Exhibit-1128 at that time or not; is**
23 **that fair?**

24 A. That's correct.

25 **Q. Is it correct that you did not send the**

1 system shown in 1128 to anyone at Anchor or Masaba?

2 A. That's correct.

3 Q. Do you know why?

4 A. In the example 1102, a system like this
5 was already incorporated.

6 Q. And 1102, that's the system that Masaba
7 had already designed, correct?

8 MR. MORICO: Objection. Form.

9 THE WITNESS: They produced that based
10 upon our recommendations, yes.

11 Q. (BY MR. NYDEGGER) Well, you say that
12 they produced that based on Solaris's
13 recommendations. Solaris never recommended an
14 articulated discharge chute, correct? Or discharge
15 conveyor, correct?

16 MR. MORICO: Objection. Form.

17 THE WITNESS: We provided examples of
18 other distributors, not specifically an articulated
19 conveyor system.

20 Q. (BY MR. NYDEGGER) So the answer to my
21 question is, no, Solaris did not provide any
22 examples of an articulated discharge conveyor to
23 Anchor or Masaba, correct?

24 A. That's correct.

25 Q. And in 11 -- in Exhibit-1102, that system

1 **used an articulated air slide; is that correct?**

2 A. That's correct.

3 **Q. And prior to Exhibit-1102, Solaris had**
4 **not provided any examples of an air slide discharge**
5 **system to Anchor or Masaba, correct?**

6 A. That's correct.

7 **Q. Do you have Exhibit-1118?**

8 A. The loading spout?

9 **Q. 1118 is an e-mail.**

10 A. Okay. 1118. Give me a moment.

11 **Q. Certainly. Let me know when you're**
12 **ready.**

13 A. Yes.

14 **Q. On page 1 of Exhibit-1118, at the bottom**
15 **of the third paragraph, you asked the question, "Is**
16 **it possible to incorporate the transloader with the**
17 **silo elevator?" Do you see that?**

18 A. Yes.

19 **Q. And the transloader, that's another name**
20 **for the truck unloader, correct?**

21 A. Yes.

22 **Q. And this is the instance that you refer**
23 **to when you provide -- when you raise the idea of**
24 **incorporating the truck unloader with the -- with**
25 **the elevating conveyor, correct?**

1 A. Yeah.

2 Q. And other than the question that you pose
3 on that issue in Exhibit-1118, did you provide any
4 detail on how that could be accomplished to
5 incorporate the truck unloader to the elevating
6 conveyor?

7 A. No.

8 MR. NYDEGGER: We've been going for a
9 little bit over an hour. Why don't we take a
10 ten-minute break?

11 MR. MORICO: That sounds good.

12 (Off the record from 10:22 a.m. to
13 10:37 a.m.)

14 Q. (BY MR. NYDEGGER) Welcome back,
15 Mr. Weinstein. During the break, did you discuss
16 your testimony with anyone?

17 A. No.

18 Q. And you understand that you continue to
19 be under the oath that you took earlier this
20 morning, correct?

21 A. Yeah.

22 Q. Okay. Mr. Weinstein, just before the
23 break, we were looking at Exhibit-1118 where you
24 posed the question of whether it was possible to
25 incorporate the transloader with the silo elevator.

1 Do you recall that?

2 A. Yes.

3 Q. Is it fair to say that that point in
4 time, you had not looked into what would be
5 required from a design and engineering perspective
6 to incorporate the transloader with the bucket --
7 with the silo elevator?

8 A. Yes.

9 Q. And so is it also fair to say that at
10 that point, you asked the question of whether it
11 was possible because you didn't know whether it was
12 possible or not? Is that correct?

13 MR. MORICO: Objection. Form.

14 THE WITNESS: It was a recommendation
15 that that was desirable.

16 Q. (BY MR. NYDEGGER) I understand that that
17 was desirable, but your recommendation was in the
18 form of a question of whether it was possible,
19 correct?

20 A. Yes.

21 Q. And the reason that you phrased that as a
22 question of whether it was possible was because you
23 didn't know whether it was possible or not at that
24 juncture, correct?

25 MR. MORICO: Objection. Form.

1 THE WITNESS: It was a recommendation
2 that that was desirable.

3 Q. (BY MR. NYDEGGER) That's not my
4 question. I'd like you to answer my question,
5 please. My question was, at the time that you
6 wrote that question, you did not know whether it
7 was possible to incorporate the transloader with
8 the silo elevator or not; is that correct?

9 MR. MORICO: Objection. Form.

10 THE WITNESS: Of course it was possible.
11 I mean, it -- it's present in other applications
12 such as those that we presented. It was present in
13 the application that the Quickthree had had an
14 integrated truck unloader. There was a Maxim belt
15 that was also presented. It had an integrated
16 truck unloader. It's common.

17 Q. (BY MR. NYDEGGER) Then why did you ask
18 it as a question and not as a required statement?

19 A. Just a matter of phrasing. It is
20 included in the specification that we sent to
21 Masaba --

22 (Reporter request for clarification.)

23 THE WITNESS: The integration of the
24 truck unloader was included in the specification
25 that we submitted to Masaba.

1 Q. (BY MR. NYDEGGER) At the time that you
2 started looking at potential mechanical fill
3 systems for the Solaris silos, other than the
4 system being mechanical, you did not have a
5 solution in mind to meet the need for increased
6 fill rate; is that correct?

7 MR. MORICO: Objection. Form.

8 THE WITNESS: We were looking at a
9 variety of different systems.

10 Q. (BY MR. NYDEGGER) I understand that you
11 looked at a variety of different systems, but my
12 question is whether you had a particular solution
13 in mind that you were searching for.

14 A. We hadn't settled on a specific solution.

15 Q. And what was that solution?

16 A. I said we had not --

17 Q. Oh.

18 A. -- settled on a specific solution.

19 Q. Okay. I didn't -- the "not" did not come
20 through in your -- in your prior response.

21 Is it fair to say that at that time, you
22 did not have in mind a solution that used a bucket
23 elevator with an articulated conveyor at the top?
24 Is that fair to say?

25 A. We had examined bucket elevators. They

1 did not include an articulated conveyor.

2 Q. Could you pull up Exhibit-1104? That
3 should be in your binder.

4 A. Okay.

5 Q. Do you recognize that document?

6 A. Yes.

7 Q. What is it?

8 A. It is a specification that we provided to
9 Anchor for the desired unit.

10 Q. And you provided the specification on the
11 date of the e-mail, October 28th, 2020, correct?

12 A. Yes.

13 (Reporter request for clarification.)

14 Q. (BY MR. NYDEGGER) Mr. Weinstein, Masaba
15 had already provided initial concept drawings of
16 potential solutions prior to -- to Solaris prior to
17 October 28th, 2020, correct?

18 A. Yes.

19 Q. And this specification sheet sent on
20 October 28th, 2020, this was -- this was the first
21 time that Solaris had sent a formal specification
22 sheet to Masaba, correct?

23 A. Yes.

24 Q. And in the specification, Solaris
25 specifically called for a belt wall conveyor to be

1 **used as the elevating conveyor, correct?**

2 A. Yes.

3 **Q. Is it correct that in early 2020, the**
4 **market for proppant delivery was moving away from**
5 **pneumatic systems?**

6 A. That's not my area of expertise.

7 **Q. So you don't know that?**

8 A. I don't know that.

9 **Q. So what's the basis for your statement in**
10 **paragraph 18 where you state the new top-fill**
11 **system certainly was an important project for**
12 **Solaris and the market for proppant delivery was**
13 **starting to move away from pneumatic systems which**
14 **used air to blow proppant up to the top of the silo**
15 **and toward gravity-fed belly dumping systems?**

16 A. That was something we desired at the time
17 to increase proppant delivery rate.

18 **Q. Yeah. And in that statement, you state**
19 **that the market for proppant delivery was starting**
20 **to move away from pneumatic systems. Do you see**
21 **that?**

22 A. Yes.

23 **Q. What's your basis for making that**
24 **statement?**

25 A. Other companies were introducing top-fill

1 systems.

2 Q. And so when you say the market was moving
3 away from pneumatic systems, is it correct that the
4 market was moving towards those top-fill systems
5 because they had higher fill rates?

6 A. I can't speak to the economics at the
7 time and the number of people that were migrating
8 to top-fill systems. It's not my area of
9 expertise. Other companies were introducing
10 top-fill systems.

11 Q. Did Solaris feel like it was falling
12 behind by not offering a top-fill system?

13 A. I can't speak to the thoughts of the
14 management at the time. I was approached about a
15 top-fill system in that time frame.

16 Q. This top-fill system was an important
17 project for Solaris, correct?

18 A. Yes.

19 Q. What's your understanding for why it was
20 an important project?

21 A. It would enable increased fill rates and
22 enable us to use bottom drop trucks.

23 Q. And why was that important?

24 A. Bottom drop trucks carry more sand than
25 pneumatic transports and offload more rapidly.

1 **Q. And once again, why -- why is that**
2 **important?**

3 A. It improves economics of the location.

4 **Q. By that statement, do you mean that it**
5 **increases the profitability of the well site?**

6 A. I can't speak to profitability.

7 **Q. What do you mean when you say it improves**
8 **the economics?**

9 A. You have fewer loads to transport, less
10 time on location for a truck, but I can't tell you
11 anything about profitability. That's not my area
12 of knowledge.

13 **Q. So is it your testimony that the top-fill**
14 **systems reduce costs for supplying sand?**

15 A. I don't know that.

16 **Q. Well, if you don't know that, how are you**
17 **testifying as to the economics?**

18 MR. MORICO: Objection. Form.

19 THE WITNESS: You can carry more sand
20 with a single load, so for the same cost of driver,
21 same -- I mean, I can't -- I can't speak to exact
22 dollars, profitability. I can't speak to specifics
23 on the financials of transporting sand. That's not
24 my area of expertise.

25 **Q. (BY MR. NYDEGGER) Well, the reason I'm**

1 asking is because you testified that it benefits
2 the economics of the location. And so I'm trying
3 to understand what you mean by that.

4 A. You can carry more sand in a truck and
5 they offload faster, and there's fewer trucks on
6 location. And those are desirable things.

7 Q. And so what's the relationship between
8 those benefits that you just named and the
9 economics?

10 MR. MORICO: Objection. Form.
11 Foundation.

12 THE WITNESS: You're asking me financial
13 questions, right? I mean, you know -- and the
14 finances vary from day-to-day, and I can't speak to
15 where we are now as an industry or how things have
16 changed other than I was asked to develop a
17 top-fill system.

18 Q. (BY MR. NYDEGGER) So the time frame that
19 you're speaking to in paragraph 18 when you say
20 that "the market for proppant delivery was starting
21 to move away from pneumatic systems," at that time,
22 Solaris was using pneumatic systems, correct?

23 A. Primarily. We had what we call our
24 nonpneumatic system, which was the hopper screws
25 that charged a high rate sand conveying system.

1 And those are the two systems we were using.

2 Q. And that nonpneumatic system, what was
3 the fill rate of that nonpneumatic system compared
4 to the fill rate of the pneumatic system?

5 A. Pneumatic system is around a thousand
6 pounds a minute. I can't speak to specifics of the
7 nonpneumatic. I wasn't really involved. It was a
8 higher rate.

9 Q. Do you know how much higher?

10 A. I don't have specifics about that. I
11 wasn't involved in the design or operation.

12 Q. Is it fair to say that the nonpneumatic
13 fill rate system did not fill at a rate of 10,000
14 pounds per minute?

15 A. It did not.

16 Q. Do you know if it was up to 5,000 pounds
17 per minute?

18 A. I don't know.

19 Q. Did the nonpneumatic system accept sand
20 from belly dumping tractors?

21 A. Yes.

22 Q. Do you have any understanding why, given
23 the nonpneumatic system used by Solaris, it still
24 wanted a mechanical top-fill system?

25 A. I can't -- I can't speculate on the

1 decisions within the company.

2 Q. You don't have any understanding as to
3 why -- why Solaris wanted a mechanical top-fill
4 system despite both its pneumatic and nonpneumatic
5 systems in use at the time?

6 A. I don't wish to speculate on why those
7 decisions were made.

8 Q. So that information wasn't shared with
9 you. You were just told to go out and find a --
10 find a mechanical top-fill system that does 10,000
11 pounds per minute, correct?

12 A. Yes.

13 Q. And they didn't give you any reason why?

14 A. Well, they wanted 10,000 pounds per
15 minute.

16 Q. And neither of -- neither the pneumatic
17 and nonpneumatic systems could achieve that,
18 correct?

19 A. A pneumatic system offloading a
20 conventional compressed air transport is a thousand
21 to 1,500 pounds per minute, and I don't know
22 specific rates on our nonpneumatic system prior to
23 the bucket elevator.

24 Q. Okay. In paragraph 19 of your
25 declaration, you mention the Foresite,

1 Schlumberger, and NOV companies. Do you see that?

2 A. Yes.

3 Q. And Solaris was aware of those companies
4 at the time it hired Anchor and Masaba to design a
5 system, correct?

6 A. Yes.

7 Q. Do you know why Solaris chose not to use
8 any of the systems offered by those companies?

9 A. No.

10 Q. It's fair to say they chose not to,
11 correct?

12 A. Yes.

13 Q. NOV's systems used a portable sand silo
14 containing an internal bucket elevator; is that
15 correct?

16 A. Yes.

17 Q. Did you ever communicate that to Anchor
18 or Masaba?

19 A. If it wasn't included in that e-mail, it
20 would have had to have been verbal, and I have no
21 recollection of that.

22 Q. Okay. Why didn't Solaris want to put
23 internal bucket elevators on its silos?

24 A. I don't know.

25 Q. Do you have any drawbacks from that

1 approach?

2 A. Do I have any what?

3 Q. Are you aware of any drawbacks of using
4 internal bucket elevators on silos?

5 A. I have not looked into that.

6 Q. To your understanding, what are the
7 incline restraints on using belt wall conveyors?

8 A. They can convey material from zero
9 degrees, which is flat, horizontal, to 90 degrees,
10 which is perfectly vertical.

11 Q. And does the degree of incline impact
12 capacity?

13 A. Yes.

14 Q. What's the relationship of the degree of
15 the incline and the impact on capacity?

16 A. As the incline increases, the capacity
17 generally decreases. I can't speak to specifics
18 about how it affects a particular vendor's
19 elevator, as it varies based upon -- or a
20 particular vendor's belt as it varies based upon
21 the configuration of that belt.

22 Q. Okay. Have you ever designed a belt wall
23 conveyor at a 90-degree angle?

24 A. No.

25 Q. Have you ever used a belt wall conveyor

1 at a 90-degree angle?

2 A. No.

3 Q. To your understanding, what are the
4 challenges of reducing the footprint of a belt wall
5 conveyor?

6 A. In my -- in my review of belt wall
7 conveyors relative to our system, they can made --
8 they can be made to be equally compact, and there
9 are competitive systems in the marketplace that
10 have a similar or smaller footprint than our
11 system.

12 Q. Do they have a similar fill rate?

13 A. I don't know.

14 Q. Well, that would be an important
15 consideration, isn't it? Because as you just
16 testified, the -- as the incline increases, the
17 capacity decreases, correct?

18 A. Correct. But you can make the belt wall
19 or the belt wider, and then the capacity would
20 increase. So it's -- it's a matter of design.

21 Q. And at the outset of the design process
22 for its mechanical top-fill system, Solaris wanted
23 to use a belt wall conveyor, correct?

24 A. That's correct.

25 Q. So when Solaris began manufacturing its

1 own mechanical top-fill systems, why did it not use
2 a belt wall conveyor?

3 A. We invested in this design already.

4 Q. And so is it correct that Solaris took
5 the design that Masaba had -- that it commissioned
6 Masaba to create and began manufacturing that
7 design on its own?

8 MR. MORICO: Objection. Form.

9 THE WITNESS: We viewed that we owned the
10 design.

11 Q. (BY MR. NYDEGGER) And so given Solaris's
12 view that it owned the design, it began
13 manufacturing that design, correct?

14 MR. MORICO: Objection. Form.

15 THE WITNESS: We had modified the design
16 to suit our needs.

17 Q. (BY MR. NYDEGGER) In what way did you
18 modify the design?

19 MR. MORICO: Counsel, this is, number
20 one, outside the scope of his testimony. And
21 number two, I have concerns about going into
22 confidential information without us having a
23 prosecution bar or an appropriate protective order
24 in this case given that you and your firm are
25 continuing to prosecute Masaba patent applications.

1 So going into details of our client's design is --
2 is going to be problematic here.

3 MR. NYDEGGER: There is a protective
4 order in this case.

5 MR. MORICO: But it doesn't have a
6 prosecution bar preventing you from using this
7 information from prosecuting your live patents to
8 cover our client's designs.

9 MR. NYDEGGER: To be honest, I'm not
10 certain. You drafted it.

11 MR. MORICO: I'm pretty sure that it does
12 not. And beyond that, this is -- this is nowhere
13 in -- this is well outside the scope of his
14 declaration. Not appropriate to be asking about
15 our design which happened after in time, is not
16 relevant to the issues in this IPR.

17 MR. NYDEGGER: Well, I'll disagree on
18 that point.

19 Q. (BY MR. NYDEGGER) Going back to
20 paragraph 21 of your declaration. You state that
21 "Masaba had been unable to get the design with the
22 corrugated belt conveyor to work at the angle we
23 wanted." By "we," you mean Solaris, correct?

24 A. Yes. Yes.

25 Q. And in your estimation, was that a

1 problem with Masaba's design capabilities? Or was
2 that a problem with the practical realities of
3 designing the system using a corrugated belt
4 conveyor?

5 A. I can't speak to what occurred there from
6 a Masaba standpoint. At a later date, some of our
7 competitors did introduce a corrugated side wall
8 belt elevator functioning in a similar way, and so
9 why Masaba felt that they were unable to complete
10 the design as we first imagined it, I don't know.

11 Q. And that subsequent system that you're
12 referring to, does it operate at a 90-degree angle?

13 A. No.

14 Q. Does that system provide a capacity of
15 10,000 pounds per minute?

16 A. I can't speak to its capacity without
17 going and looking at the vendor's documentation.

18 Q. Does it collapse down to within the
19 transport dimensions that Solaris wanted?

20 A. I can't speak to its, you know, operation
21 without going and reviewing the vendor information.

22 Q. So you don't know whether that system
23 meets -- would have met Solaris's specific design
24 specifications or not; is that fair?

25 A. Without reviewing that design in the

1 moment, I can't make that assessment.

2 Q. In paragraph 21 -- yeah, paragraph 21,
3 you state that "When I provided these instructions
4 to Masaba, I emphasized the delivery schedule was
5 of primary importance to Solaris."

6 Why was the delivery schedule of primary
7 importance to Solaris?

8 A. We allocate, you know, the -- when
9 equipment is complete, it goes to a customer. We
10 don't hold the equipment based upon completion of
11 the manufacturer and then go find a customer. So
12 if we say we're going to receive it at a particular
13 date, we're anticipating the reception of the unit
14 on that date and trying to obtain customers for the
15 date of receipt.

16 Q. And is it correct that -- that Solaris
17 had customers lined up who wanted the system?

18 A. I can't speak to that.

19 Q. Can you name for me all the products that
20 you are aware of in the oil and gas industry that
21 use a conveyor with a slew gear that you were aware
22 of in 2021?

23 A. The information that I presented to Mike
24 Stanton included three examples. I can't name
25 further units off the top of my head. The

1 Schlumberger one that's included in this
2 declaration, it does have a slew. It's common, you
3 know, to move a boom. Cranes that are in the oil
4 field all have a slew. It's just common.

5 Q. Go to paragraph 23 of your declaration.
6 Are you there?

7 A. Yes.

8 Q. The first sentence of paragraph 23 reads
9 "During the course of the design process, Masaba
10 was not able to conform collapsed dimensions and
11 total weight of the system to the ones we sent in
12 October 2020." Do you see that?

13 A. Yes.

14 Q. What design are you referring to in that
15 statement?

16 A. During the course of the design process
17 for the bucket elevator system.

18 Q. Masaba sent various iterations of the
19 unit during that design process, correct?

20 A. Yes.

21 Q. And so when you make the statement that
22 Masaba was not able to conform to the collapsed
23 dimensions and total weight of the system to the
24 specifications that Solaris sent in October 2020,
25 I'm trying to understand which of the various

1 **iterations you're referring to when you make that**
2 **statement.**

3 A. The final weight of the -- or the final
4 width of the unit was 12 feet, and the final height
5 was 14 feet, and the final weight was 100,000
6 pounds. And when we started off, the desired
7 weight was as per the specification. I think it
8 was 80,000 pounds. And the desired width was maybe
9 10 feet. And the desired height was 14 feet.

10 You're asking when those -- those weights
11 and dimensions began to vary?

12 Q. So the collapsible height of 14 feet, the
13 width of 12 feet, and a weight of a thousand
14 pounds --

15 A. 100,000 pounds?

16 Q. Sorry. 100,000 pounds. Yes. Thank you.
17 Are those referencing the final product that Masaba
18 ultimately produced?

19 A. Yes.

20 Q. And in the dimensions that Solaris sent
21 in October, it had a maximum height of 13 and a
22 half feet, a maximum width of 8 feet, and a maximum
23 weight of 80,000 pounds, correct?

24 A. Yes.

25 Q. And Masaba was not able to design a

1 **system that fit within those dimensions, correct?**

2 A. Correct.

3 **Q. Has Solaris designed a -- the system that**
4 **it now manufactures to fit within those dimensions?**

5 A. No.

6 **Q. Is Solaris's system 14 feet high and 12**
7 **feet wide and 100,000 pounds?**

8 MR. MORICO: Counsel, this is going into
9 confidential information. I have the same problem
10 with this question as your earlier questions.

11 MR. NYDEGGER: How can the dimensions of
12 its publicly used systems be confidential?

13 MR. MORICO: I'll allow that specific
14 question.

15 THE WITNESS: It conforms to similar
16 dimensions as referenced in paragraph 23.

17 **Q. (BY MR. NYDEGGER) So is it fair to say**
18 **that Solaris was not able to design a unit that fit**
19 **within the original dimensions it requested in**
20 **October 2020 of Masaba?**

21 A. Yes.

22 **Q. The second-to-last sentence in paragraph**
23 **23, you state that Solaris advised Masaba on the**
24 **legal transport limits, and those limits ultimately**
25 **determined the final collapsed dimensions of the**

1 unit, correct?

2 A. Yes.

3 Q. How did those limits determine the final
4 collapsed dimensions?

5 A. The Texas DOT and other states provide
6 permittable transportable limits. So the initial
7 dimensions that we provided allowed transport
8 without a permit, and the dimensions that were
9 finally allowed or determined were based upon what
10 is an acceptable permittable limit. So these
11 dimensions require permit be submitted to state DOT
12 for transport. If it were to exceed those
13 dimensions, it would require further -- further
14 variations in the way it was transported. Like it
15 might have to have an escort vehicle. It might
16 have to have a route planned. You know? Couldn't
17 be transported during the day or night or on
18 holidays. So this is kind of the limit of what we
19 would find acceptable for transportable dimensions.

20 Q. Okay. So would it be fair to say that
21 the transport limits didn't determine the final
22 collapsed dimensions of the unit, but the final
23 collapsed dimensions of the unit were required to
24 comply with those transport limits?

25 A. Everything that's transported down the

1 road has to conform to these limits.

2 Q. I guess the point that I'm trying to
3 understand is I don't see how the transport limits
4 determined the final collapsible dimensions. Would
5 it be more accurate to say that Masaba designed the
6 system to have final collapsible dimensions to meet
7 the transport limits?

8 MR. MORICO: Objection. Form.

9 THE WITNESS: I can't -- you know, I
10 don't -- I can't speculate as to how Masaba ended
11 up, you know, at those dimensions. You know, it's
12 not the -- the unit is not precisely those
13 dimensions. Right? It just conforms generally to
14 those dimensions.

15 Q. (BY MR. NYDEGGER) Okay. In paragraph
16 24, you reference a shipping release date of May
17 19th, 2021. Do you see that?

18 A. Yes.

19 Q. Who set that shipping date?

20 A. It was provided to us by Anchor.

21 Q. Do you know what input, if any, Masaba
22 had into determining that shipping date?

23 A. No.

24 Q. And then at the end of paragraph 24, you
25 state that the promptness of delivery was

1 especially important because Solaris wanted to get
2 the units out in the field for customers' use --
3 for customer use quickly. Do you see that?

4 A. Yes.

5 Q. Why was that especially important?

6 A. I can't -- I can't speak to our
7 management or sales group, what their interest was.

8 Q. Were those customers using Solaris's
9 pneumatic fill system at the time?

10 A. I don't know which customers that they
11 were speaking of.

12 Q. Which customers are you referring to?
13 This is your declaration in paragraph 24.

14 A. We had a variety of customers. It was
15 desirable to introduce the unit to the field at
16 that time. But I can't -- I can't speak to
17 specific customers.

18 Q. You don't know whether those customers
19 were using a different Solaris fill system at the
20 time?

21 A. I don't know if they were Solaris
22 customers and I don't know if they were using a
23 different Solaris fill system at the time.

24 Q. Was the promptness of delivery especially
25 important because customers were moving to

1 gravity-fed unloading trucks and Solaris wanted to
2 meet that need?

3 MR. MORICO: Objection. Form.

4 THE WITNESS: I can't speak to that.

5 Q. (BY MR. NYDEGGER) In paragraph 25, you
6 state, "First, using outriggers to make conveyor
7 belt -- to make a conveyor belt substantially level
8 and stable was a common solution for this problem
9 and was used in other systems." Do you see that?

10 A. Yes.

11 Q. What other systems are you referring to?

12 A. Within our company, we have what we call
13 a central belt, and it uses a hydraulic system to
14 lift the conveyor. And then also, if you look at
15 the geometry of the bucket elevator and the way the
16 hydraulic cylinders are oriented, it's very similar
17 to what you see in a truck crane, which has
18 outriggers and rear hydraulic cylinders for
19 leveling and stabilization. So it's typical for
20 that function.

21 Q. What is the purpose of the guide wires?

22 A. From a static analysis as an engineer,
23 they serve no function and are not present on the
24 Solaris design.

25 Q. Do you see where you state that, "Third,

1 hydraulically actuated lock pins, which were known,
2 were simply used to hold the conveyors in place,
3 and there is nothing unique about the hydraulically
4 actuated aspect that helps avoid belt mistracking"?

5 A. That's correct.

6 Q. You do see that?

7 A. Yes.

8 Q. Those hydraulically actuated lock pins,
9 they do hold the system in place, which in turn
10 helps avoid mistracking, though, correct?

11 A. That's not correct.

12 Q. It's not true that they hold the system
13 in place?

14 A. They do not hold the system in place.

15 Q. So --

16 (Multiple speakers.)

17 A. There is a safety mechanism to prevent
18 the collapse of the unit. There is a hydraulic
19 valve on the cylinders, which holds the system in
20 place.

21 Q. So you state that the hydraulically
22 actuated lock pins were simply used to hold the
23 conveyors in place. Are you saying that they now
24 are not used to hold the conveyors in place?

25 MR. MORICO: Objection. Form.

1 THE WITNESS: They are a backup to the
2 existing counterbalance valves that are
3 incorporated on the cylinders.

4 Q. **(BY MR. NYDEGGER) I'm just trying to**
5 **understand. Is your statement -- is your statement**
6 **in this paragraph that hydraulically actuated lock**
7 **pins were simply used to hold the conveyors in**
8 **place, is that an accurate statement or not?**

9 A. As a backup to the counterbalance valves,
10 yes. That's correct.

11 Q. **So they do hold the conveyors in place?**

12 A. As a backup to the counterbalance valve,
13 yes.

14 Q. **But in your view, despite holding the**
15 **conveyors in place, that does not help avoid belt**
16 **mistracking; is that correct?**

17 A. That's correct.

18 Q. **In paragraph 29, you state that the**
19 **second unit was not delivered. Do you see that?**

20 A. Yes.

21 Q. **And that second unit is a reference to a**
22 **second unit for which a purchase order was**
23 **submitted to Masaba, correct?**

24 A. Yes.

25 Q. **Why was the second unit not delivered?**

1 A. I don't know.

2 **Q. Did Solaris cancel the purchase order for**
3 **the second unit?**

4 A. I don't know what happened with the
5 second unit.

6 **Q. So you don't know whether the -- whether**
7 **the purchase order was canceled or not?**

8 A. I don't know.

9 **Q. When were you informed that Solaris would**
10 **be manufacturing the top-fill system instead of**
11 **purchasing it from Masaba?**

12 A. I don't see -- I made no statements in my
13 declaration regarding that. We began our design in
14 December of 2021.

15 **Q. And that was after the first unit from**
16 **Masaba had been delivered, correct?**

17 A. Yes.

18 **Q. And when you say that you began your**
19 **design, what do you mean by that?**

20 A. When we began our design.

21 **Q. Yeah. I'm trying to understand what you**
22 **mean when you say that you began your design.**

23 MR. MORICO: Objection. Form.

24 THE WITNESS: We began designing our unit
25 in December 2021.

1 Q. (BY MR. NYDEGGER) So when you say "our
2 unit," you're referring to the top-fill system that
3 Solaris currently manufactures, correct?

4 A. Yes.

5 Q. And that system used the design provided
6 by Masaba, as we discussed previously, correct?

7 MR. MORICO: Objection. Form.

8 THE WITNESS: We didn't have a design
9 provided by Masaba.

10 Q. (BY MR. NYDEGGER) Previously you
11 testified that Solaris viewed that the design
12 created by Masaba was owned by Solaris, correct?

13 A. That's correct. We didn't have any
14 design documentation provided by Masaba.

15 Q. So how did Solaris use the design that --
16 use the design provided -- use the design designed
17 by Masaba that it believed it owned?

18 MR. MORICO: Objection, counsel. This is
19 way outside the scope of his declaration. This is
20 not appropriate. Also objecting on the basis of
21 form.

22 Q. (BY MR. NYDEGGER) You can answer,
23 Mr. Weinstein.

24 MR. MORICO: Where is this -- how is this
25 within the scope, counsel?

1 MR. NYDEGGER: Well, one, he opened the
2 door because he just testified that was when they
3 started creating their design.

4 MR. MORICO: You asked him when the
5 design was created. That's fine. I let him answer
6 that. Now you're going into details about the
7 design. All of that is outside the scope of his
8 declaration and not appropriate for this
9 deposition. I gave you a little bit of leeway on
10 that, counsel, only to set the time frame.

11 MR. NYDEGGER: All right. Well, I
12 disagree. We'll circle back around later.

13 **Q. (BY MR. NYDEGGER) In paragraph 33, you**
14 **discuss the testing of the unit that Masaba built.**
15 **Do you see that?**

16 A. Paragraph 33?

17 **Q. Yes.**

18 A. Yes.

19 **Q. And in that paragraph, you state that**
20 **"During the testing, Masaba kept us at a**
21 **considerable distance from the system." Do you see**
22 **that?**

23 A. Yes.

24 **Q. I'm going to introduce an exhibit. This**
25 **will be Exhibit-2038.**

1 (Exhibit-2038 marked.)

2 MR. MORICO: You'll put that in the chat,
3 Chad?

4 MR. NYDEGGER: Yes. It should be coming
5 up any moment now.

6 MR. MORICO: I don't know if it was
7 blocked or if --

8 (Discussion off the record.)

9 (Off the record from 11:32 a.m. to
10 12:22 p.m.)

11 Q. (BY MR. NYDEGGER) Welcome back,
12 Mr. Weinstein. Mr. Weinstein, during the break,
13 did you discuss your testimony with anybody?

14 A. No.

15 Q. Okay. And you understand that you
16 continue to remain under the oath that you took
17 this morning to tell the truth, correct?

18 A. Yes.

19 Q. Okay. Mr. Weinstein, are you familiar
20 with the top-fill system that Masaba constructed?

21 A. Yes.

22 Q. How did you become familiar with the
23 Masaba top-fill system?

24 A. I was instrumental in the design
25 development of that system.

1 **Q. Have you -- are you familiar with the**
2 **physical product?**

3 A. Physical product? You mean the Masaba
4 unit that we purchased?

5 **Q. Yes.**

6 A. Yes.

7 **Q. And how are you familiar with the**
8 **physical unit?**

9 A. I cooperated in the design and
10 construction of -- or building of that unit, and
11 then also the field implementation of that unit,
12 maintenance of that unit.

13 **Q. How closely have you examined that unit?**

14 MR. MORICO: Counsel, where is this in
15 his declaration?

16 (Multiple speakers.)

17 THE WITNESS: I'm very familiar with that
18 unit.

19 **Q. (BY MR. NYDEGGER) Okay. And are you**
20 **familiar with the "patent pending" marks on that**
21 **unit?**

22 A. Per my declaration, I saw those "patent
23 pending" marks on August 1st.

24 **Q. And in your interactions with that unit,**
25 **have you seen them subsequently?**

1 MR. MORICO: Objection. Form.

2 THE WITNESS: They were there after the
3 August 1st date.

4 Q. (BY MR. NYDEGGER) And so back to my
5 question. Have you seen the locations of the
6 "patent pending" markings after August 1st?

7 A. Yes.

8 Q. Do you know how many different locations
9 the "patent pending" appears on the product?

10 A. No.

11 Q. Is it more than one?

12 A. I don't know how many locations it's on
13 there.

14 Q. Do you know if it's more than one?

15 A. I don't know.

16 Q. In -- just before the break, we were
17 talking about the -- let's see if we can get the
18 exhibits. We were looking at paragraph 33 of your
19 declaration, and you say that -- in that paragraph,
20 that during the testing, quote, "Masaba kept us at
21 a considerable distance from the system." Do you
22 see that?

23 A. Yes.

24 Q. Okay. And then I tried to introduce
25 Exhibit-2038 and we were having a problem because

1 that was in JPEG format. I've now saved that as a
2 PDF and I've placed that in the chat. Will you
3 please see if you can open that now?

4 (Discussion off the record.)

5 MR. MORICO: Just a one-page photo?

6 MR. NYDEGGER: It is a one-page
7 photograph.

8 MR. MORICO: Okay.

9 Q. (BY MR. NYDEGGER) Are you able to see
10 that, Mr. Weinstein?

11 A. Yes.

12 Q. And Mr. Weinstein, do you recognize any
13 individuals in that photograph?

14 A. Yes.

15 Q. Can you identify for me the individuals
16 you recognize?

17 A. Scott Lambert, who was my boss at the
18 time, and Joseph --

19 Q. And which individual was he?

20 A. How do I indicate this to you?

21 Q. Can you just describe him? For example,
22 is he the one wearing the yellow jacket?

23 A. That's a Masaba employee. He is furthest
24 away on the picture. He's wearing sunglasses and
25 he has a Solaris hat on. Is that a way to identify

1 him?

2 Q. Yes. He's the only individual wearing
3 sunglasses and a white Solaris hat.

4 Do you recognize anyone else?

5 A. Joseph Markward. He's immediately to the
6 right of the individual wearing the yellow shirt.

7 Q. Okay. Is he a Solaris employee?

8 A. Yes. And both of these people are
9 mentioned in the declaration.

10 Q. Do you recognize this as a picture of the
11 testing referenced in paragraph 33 of your
12 declaration?

13 A. Yeah. This was sand test, which I
14 believe began on August 1st.

15 Q. Okay.

16 A. Or it could have -- we did do a second
17 sand test at a later date. So I can't specifically
18 say, unless this is a date-stamped picture, you
19 know, what date this was taken.

20 Q. Okay. I'll represent to you that the
21 metadata on this image is August 1st, 2021.

22 A. Okay.

23 Q. Do you have anything that would suggest
24 that it's not from the August 1st, 2021, testing?

25 A. No. It's not distinguishing otherwise

1 from a later sand test. You know? I think the
2 same people were there.

3 Q. I've now put what's been marked as
4 Exhibit-2039 in the chat. If you could open that
5 one. It's another one-page image.

6 (Exhibit-2039 marked.)

7 Q. (BY MR. NYDEGGER) Let me know when
8 you're able to view that.

9 MR. MORICO: There's a little lag. Let's
10 try this again. This is -- hold on. Oh, no.
11 There we go. Okay. I'm trying to get where we
12 have both -- okay. Okay. We have it open, Chad.

13 MR. NYDEGGER: Okay.

14 Q. (BY MR. NYDEGGER) Mr. Weinstein, do you
15 see that Exhibit-2039 is a photograph?

16 A. Yes.

17 Q. And is that a photograph of you in the
18 blue shirt and white hat?

19 A. I believe so, yes.

20 Q. And are you standing next to the
21 Masaba -- the Masaba top-fill unit during that --
22 during the testing?

23 A. Yes.

24 Q. And do you see there's some lettering
25 right by your right knee?

1 A. I see an "N" and a "G," yes.

2 Q. And are you aware that what is printed
3 right there, that "NG" that you see, is part of the
4 phrase "patent pending"?

5 A. Okay.

6 Q. And do you recognize this photograph as
7 being of the August 1st, 2021, testing of the unit?

8 A. I can't say specifically what date this
9 is as we tested them two different times. But I
10 did say in my declaration that I saw the "patent
11 pending" marks on August 1st of that year.

12 Q. Okay. So going back to paragraph 33 of
13 your declaration, you state that Masaba kept you at
14 a considerable distance from the system during the
15 July 30th testing, but that was not the case during
16 the August 1st testing. Is that fair to say?

17 A. That's correct.

18 Q. And so during the August 1st testing, you
19 were able to actually touch -- you know, be close
20 enough to touch the Masaba system and inspect it in
21 close proximity, correct?

22 A. Yes.

23 Q. And during that testing, as you state in
24 paragraph 33, you observed "patent pending" marks
25 on the system, correct?

1 A. Yes.

2 Q. And at that testing, the truck unloader
3 was an integral part of the system, correct?

4 A. The truck unloader is integral to the
5 system, yes.

6 Q. And it was integral to the system at the
7 time of the August 1st sand test, correct?

8 A. Yes.

9 Q. Earlier, you testified that Solaris has
10 designed a mechanical top-fill system, correct?

11 A. Yes.

12 Q. And that top-fill system has a truck --
13 an integral truck unloader, bucket elevator, and
14 articulating discharge conveyor at the top,
15 correct?

16 A. Yes.

17 Q. How long did it take Solaris to design
18 that system?

19 MR. MORICO: Counsel, again, I'd ask you
20 to direct me to where that comes up in the
21 declaration or how that's tied to his declaration.

22 MR. NYDEGGER: It's relevant to paragraph
23 34, Mr. Weinstein's testimony regarding Masaba's
24 work regarding design and whether that was done in
25 a timely manner or not and whether it was

1 reasonable or not.

2 MR. MORICO: Okay. What was the question
3 again?

4 Q. (BY MR. NYDEGGER) The question was, how
5 long did it take Solaris to design that system?

6 A. What is your -- what do you define as
7 "design"? You mean the date from the beginning of
8 production to the completion of the manufacture of
9 one unit?

10 Q. Yeah. From the beginning -- from --
11 beginning the day that design on the system -- and
12 that -- your question is a fair one, so let me
13 restate the question.

14 How long did it take Solaris to design
15 and manufacture its first top-fill system that had
16 an integral truck unloader, a bucket elevator, and
17 an articulated discharge conveyor at the top.

18 A. We began design December 2021 and went to
19 the field for first jobs in June of 2022.

20 Q. Sorry. Did you say -- I didn't catch the
21 last date, when it went to the field.

22 A. June 2022.

23 Q. So approximately seven months?

24 A. Six months.

25 Q. Okay. And in doing its own design or in

1 **creating -- strike that.**

2 **In designing its own top-fill system,**
3 **Solaris had the benefit of using the Masaba system**
4 **that it had purchased in that design process,**
5 **correct?**

6 MR. MORICO: Objection. Form.

7 THE WITNESS: We own the Masaba design.

8 **Q. (BY MR. NYDEGGER) And because Solaris**
9 **views that it owns the Masaba design, it used that**
10 **design when it went to the design process for --**
11 **during that six months that you earlier testified**
12 **that it took you to design and manufacture the**
13 **first unit, correct?**

14 MR. MORICO: Counsel, this is way outside
15 the scope of his declaration. This is not
16 appropriate.

17 MR. NYDEGGER: It's directly relevant to
18 paragraph 34.

19 MR. MORICO: How is it directly -- that
20 talks about the time frame of Masaba's design.
21 You're talking about Solaris's design. He does not
22 mention anything about time frame or anything about
23 Solaris's design in his declaration. This is all
24 involving events before the Solaris design came
25 into being.

1 MR. NYDEGGER: Yes. And Mr. Weinstein
2 disparages the time that it took Masaba to design
3 and manufacture its first unit. And so it's proper
4 impeachment testimony to inquire as to how long
5 Solaris took.

6 MR. MORICO: And he told you how long it
7 took.

8 MR. NYDEGGER: Right. And exploring that
9 to demonstrate that the time frames between the two
10 companies is not unreasonable and that Masaba's
11 time frame starting from scratch as opposed to
12 starting from a constructed unit was entirely
13 reasonable and appropriate. So it is relevant.

14 MR. MORICO: I'm going to give you a
15 little latitude, but not much.

16 THE WITNESS: Can you repeat the
17 question?

18 **Q. (BY MR. NYDEGGER) Yes. The question was**
19 **whether Solaris referenced the design that it**
20 **believed it owned that was created -- that was**
21 **created by Masaba in designing the top-fill system**
22 **that Solaris now manufactures?**

23 MR. MORICO: Objection. Form.

24 THE WITNESS: We used elements of the
25 Masaba design in our design.

1 **Q. (BY MR. NYDEGGER) So despite using**
2 **elements of the Masaba design, it still took**
3 **Solaris six months to create its own design and**
4 **manufacture the first unit, correct?**

5 A. It took us six months to design and build
6 our first unit.

7 **Q. How long would it have taken you without**
8 **knowledge of the Masaba design?**

9 A. I can't speculate on that. I wouldn't
10 know.

11 **Q. Certainly longer than six months. Is**
12 **that fair?**

13 A. Almost every design and construction
14 project that I've been involved in in the last 20
15 years has been a six-month turnaround.

16 **Q. Well, certainly not the blending system**
17 **that you testified earlier took 18 months?**

18 A. That was multiple iterations and is not
19 inclusive of the design of the production blender
20 and field trials.

21 **Q. So that system took 18 months, correct?**

22 A. Not the production unit, no.

23 **Q. So when you testified earlier that it**
24 **took 18 months, what was included in that 18-month**
25 **period?**

1 A. We developed the concept skid over a
2 period of time and then designed a production unit
3 and then brought it to market. And to speak about
4 specific components of that time, I'd have to go
5 back and look at correspondence and documentation.

6 **Q. Okay. So is it fair to say that if**
7 **Solaris's design team had no knowledge of Masaba's**
8 **top-fill system, it would have taken them more than**
9 **six months to design and produce its first unit?**

10 MR. MORICO: Objection. Form.

11 (Reporter request for clarification.)

12 MR. MORICO: He said, "I can't say that."

13 And I had an objection. Form.

14 **Q. (BY MR. NYDEGGER) In paragraph 34, you**
15 **reference the statement by Mike Stanton where he**
16 **indicated that you had -- you had been impressed**
17 **and excited by the results of the Masaba unit. Do**
18 **you see that?**

19 A. Yes.

20 **Q. And then the following statement, you**
21 **state, "At that time, I was impressed that Masaba**
22 **had both engineering and manufacturing capabilities**
23 **in-house." Do you see that?**

24 A. Yes.

25 **Q. But at that time, you had known that**

1 **Masaba had both engineering and manufacturing**
2 **capabilities in-house for months and months,**
3 **correct?**

4 A. Yes.

5 Q. **But it wasn't until months and months**
6 **later when the system was tested that you became**
7 **impressed by that knowledge that you had gained**
8 **months earlier? Is that your testimony?**

9 A. I was impressed and excited by the
10 results of the test. You know, until we had the
11 test, we couldn't validate Masaba's performance in
12 that regard.

13 Q. **You state that you're not impressed by**
14 **any aspect of Masaba's design, correct?**

15 A. You see that in my declaration?

16 Q. **Yes. It's in paragraph 34.**

17 A. I was unimpressed by their ability to
18 meet deadlines and that the wheels fell off of the
19 unit when we tried to transport it initially.

20 Q. **That's not what you state in paragraph**
21 **34. Paragraph 34, you say, "I was not impressed by**
22 **any particular design of Masaba." There's no**
23 **mention of deadlines there. Do you see that?**

24 A. Are we talking about the same paragraph
25 34? I will read it verbatim. "I was not impressed

1 by any particular design of Masaba because it was
2 based on substantial direction from myself and
3 others at Solaris and obvious design choices,
4 despite having engineering and manufacturing
5 capabilities under one roof. I was ultimately not
6 impressed by Masaba because of its failure to meet
7 deadlines and the system that it built failed due
8 to basic design flaws, which are discussed further
9 below."

10 Q. Yes. And I'm focusing on the first
11 sentence that you -- that you state -- that you
12 just read, the one where you say, "I was not
13 impressed by any particular design of Masaba." Do
14 you see that first phrase of the first sentence you
15 read?

16 A. Yes.

17 Q. Then you go on to say that it was based
18 on substantial direction from you and others at
19 Solaris. Do you see that?

20 A. Yes.

21 Q. What substantial direction did you
22 provide -- did you and others at Solaris that
23 you're referring to there provide to Masaba?

24 A. I believe much of it is contained in the
25 remainder of the declaration regarding how the

1 bucket elevator needs to integrate with our
2 systems, dimension of the unit, its portability,
3 integration of the truck unloader to the bucket
4 elevator, et cetera. You know, we had design
5 review where we critiqued their design and provided
6 input. Throughout the process, we were driving
7 this design toward its completion.

8 Q. So let's take those one by one. The
9 dimensions that you provided, those are limitations
10 on the design. Those aren't design elements,
11 correct?

12 A. They dictate the final appearance of the
13 equipment.

14 Q. So those are constraints that the design
15 has to meet, but you didn't provide any direction
16 about how to meet those constraints, correct?

17 MR. MORICO: Objection. Form.

18 THE WITNESS: We have a specification
19 which showed the conveyor feeding a conveyor
20 feeding multiple conveyors. There's many elements
21 of the design that are present in the
22 correspondence that would dictate to them the final
23 appearance of the unit.

24 Q. (BY MR. NYDEGGER) The specification that
25 you're referring to is the October 2020

1 **specification that you sent to Masaba, correct?**

2 A. Yes.

3 Q. And that specification was derived off of
4 the conceptual designs that Masaba had provided to
5 Solaris in August, two months earlier, correct?

6 MR. MORICO: Objection. Form.

7 THE WITNESS: I think what you're noting
8 is cooperation between our two organizations.

9 Q. (BY MR. NYDEGGER) No. What I'm trying
10 to understand is what substantive design input,
11 other than just design restrictions, you and others
12 at Solaris that you mentioned in paragraph 34
13 provided to Masaba.

14 MR. MORICO: Objection. Form.

15 THE WITNESS: Dimensional elements,
16 performance requirements, elements of the invention
17 such as the integrating from the truck unloader. I
18 don't know what else you want.

19 Q. (BY MR. NYDEGGER) Did you tell hem how
20 to make it -- how to get it to collapse to be
21 within 14 feet?

22 A. No.

23 Q. Did you provide any suggestions of, oh,
24 well, if you collapse it that way, that will get it
25 within the 14 feet restriction that we've placed?

1 A. I don't have any recollection or
2 documentation of that.

3 Q. Did you provide Masaba with instructions
4 on how to remove weight so that it would weigh less
5 and meet the weight restrictions in the
6 specification?

7 A. I don't have any documentation of that.

8 Q. So that's a no?

9 A. I don't recall.

10 Q. Did you provide any direction to Masaba
11 about how to integrate the truck loader -- the
12 truck unloader with the elevating conveyor?

13 A. We had many meetings with them discussing
14 the design. I don't have any notes or recollection
15 of the specifics of those meetings.

16 Q. So other than the one question that we
17 looked at earlier where you asked if it was
18 possible to integrate the truck unloader, you can't
19 point to any specific part of the Masaba design
20 that was contributed by yourself or others at
21 Solaris; is that correct?

22 MR. MORICO: Objection. Form.

23 THE WITNESS: We provided the driving
24 dimensions that dictated the final form.

25 Q. (BY MR. NYDEGGER) So you provided the

1 restrictions on how large it could be? That's what
2 you mean by driving dimensions, correct?

3 A. The dimensions determine whether -- its
4 acceptable function and dictate the appearance and
5 function of the unit.

6 Q. I understand that you provided the
7 dimensions. My question is whether you provided
8 any design input on how to meet those dimensions.

9 A. We initially inspect the corrugated side
10 wall belt, which became the bucket elevator. We
11 indicated the necessity of the truck unloading
12 device. We provided examples of different
13 distributors, et cetera.

14 Q. It was Masaba's idea to change the belt
15 wall conveyor to a bucket elevator, correct?

16 A. Yes.

17 Q. And it was Masaba that came up with the
18 design on how to integrate the truck unloader with
19 the elevating conveyor, correct?

20 MR. MORICO: Objection. Form.

21 THE WITNESS: Yes.

22 Q. (BY MR. NYDEGGER) But it's your opinion
23 that Masaba's design was just a combination of
24 obvious design choices, correct?

25 A. Yes, based upon our contributions.

1 Q. I'm sorry. Your audio went soft.

2 A. Yes. Based upon our contributions.

3 Q. And so when you state that just a
4 combination of obvious design choices, are you
5 stating that it's your opinion that there's nothing
6 patentable about the Masaba system?

7 MR. MORICO: Objection. Form.

8 THE WITNESS: We don't determine
9 patentability.

10 Q. (BY MR. NYDEGGER) So when you use the
11 phrase "obvious design choices," what are you
12 intending to convey by using that phrase?

13 A. Many of the elements that are present in
14 the Masaba unit are also present in other top-fill
15 applications in the marketplace.

16 Q. But it's not your opinion that those --
17 that that design would not be patentable, correct?

18 MR. MORICO: Objection. Form.

19 THE WITNESS: Can you repeat that again?

20 Q. (BY MR. NYDEGGER) Yeah. So it's not
21 your testimony that the Masaba design is not
22 patentable because it's obvious, correct?

23 A. I don't determine patentability.

24 Q. In paragraph 35, you discuss the incident
25 in which an axle on the Masaba system broke during

1 **transport, correct?**

2 A. Yes.

3 Q. And you state that the project for
4 Solaris was no longer a priority for Masaba,
5 correct? That is your view?

6 A. 37, yes.

7 Q. How long would it have taken Solaris to
8 deal with a similar incident, retrieve -- if an
9 axle broke on a Solaris unit, to retrieve it,
10 repair it, and get it back out?

11 A. I can't speculate on that.

12 Q. You have no idea?

13 A. No.

14 Q. How long did it take Masaba to repair the
15 unit?

16 A. The failure was in August, and we
17 received the unit in October.

18 (Reporter request for clarification.)

19 THE WITNESS: The failure of the axle was
20 in August, and we received the completed product in
21 October.

22 Q. (BY MR. NYDEGGER) The failure was August
23 24th, correct?

24 A. Yes.

25 Q. And when in October did -- was the unit

1 repaired?

2 A. I don't have documentation of that in
3 front of me.

4 Q. Can you open up Exhibit-1123, please?
5 That should be in your binder.

6 A. Okay.

7 Q. One moment. Mine's not opening right
8 away here. Do you see that it was correspondence
9 regarding repair of the broken axle?

10 A. Give me a moment to read this.

11 Q. Let me know when you're ready.

12 A. Okay.

13 Q. So this is an e-mail from Dan Trantham.
14 Do you see that?

15 A. Yes.

16 Q. And who is Dan Trantham?

17 A. I think he's the vice president of
18 Anchor. I don't know his title. He worked for
19 Anchor.

20 Q. Okay. And here, Mr. Trantham is
21 communicating the combined efforts of Anchor and
22 Masaba to get the axle repaired in the -- on the
23 Masaba unit, correct?

24 A. Yes.

25 Q. And do you see in the numbered paragraph

1 **6 of Exhibit-1123? Mr. Trantham states that**
2 **"Masaba has an internal meeting tomorrow morning to**
3 **determine how many of my welders and assemblers we**
4 **will need ASAP. Anchor can have guys on a plane**
5 **tomorrow mid-morning. We will work through the**
6 **holiday if necessary. We'll update on that**
7 **tomorrow."**

8 **Do you see that?**

9 A. Yes.

10 **Q. And so despite that correspondence, you**
11 **felt like the project was no longer a priority for**
12 **Solaris, correct?**

13 A. That was related to me from Sheldon
14 Watterson. I asked him specifically whether or not
15 we were still a priority, and he said we were not.
16 Sheldon Watterson is an employee of Masaba.

17 **Q. And when was that correspondence?**

18 A. It was sometime in the period that we
19 were repairing the unit.

20 **Q. Do you have any record of that?**

21 A. It was conversation between myself and
22 Sheldon, and Mike Stanton was present.

23 **Q. Did Masaba work through the holiday? Do**
24 **you know?**

25 A. I can't recall.

1 **Q. Ultimately, the axle was fixed, correct?**

2 A. Solaris provided the repair part for the
3 axle that failed. And Solaris provided some of the
4 weldments that ultimately prepared the suspension.
5 That in combination between Anchor and Solaris and
6 Masaba, the unit was repaired.

7 **Q. And after it was repaired, it was**
8 **delivered straight to a well site for a Solaris**
9 **customer, correct?**

10 A. We had a road test and I believe another
11 sand test. Then it was taken to Monahans, Texas,
12 for a function test. And then it went to a well
13 site for a customer.

14 **Q. And during that testing and**
15 **transportation to the customer's well site, did the**
16 **axle break again?**

17 A. No.

18 **Q. Has the axle broken since?**

19 A. No.

20 **Q. Is that unit still in service?**

21 A. We haven't used it possibly since June
22 2022. I don't know when it was last in service.

23 **Q. Is it not functioning?**

24 A. I don't know its present condition.

25 **Q. Was it taken out of service because it**

1 was broken?

2 A. I don't recall why it was taken out of
3 service.

**4 Q. When it arrived at the customer's well
5 site, did it function as expected?**

6 A. We had some problems with it. We were
7 able to complete the job.

8 Q. What problems?

9 A. We had motor starter problems. We had
10 sand leaking on the ground. We had exceptional
11 levels of dusting. Other problems. It's been
12 several years.

13 (Reporter request for clarification.)

14 THE WITNESS: We had exceptional levels
15 of dusting. It leaked sand on the ground. But we
16 completed the job with it.

**17 Q. (BY MR. NYDEGGER) Was the customer
18 pleased with it?**

19 A. I don't have correspondence with the
20 customer.

**21 Q. In paragraph 38, you state that the
22 incident had nearly broke them, referring to
23 Masaba, emotionally. Do you see that?**

24 A. I don't state that. I'm reiterating a
25 statement from Dan Trantham from an e-mail

1 correspondence that I was, I believe, party --
2 copied on.

3 Q. That e-mail correspondence is in
4 Exhibit-1123 if you want to pull that up.

5 A. I don't think it's 1123. That's I think
6 your -- is that in here where he says that?

7 Q. Give me just a moment here. I'll see if
8 I can help you.

9 A. Okay. Okay. Example 1123.

10 Q. Were you able to find Exhibit-1123?

11 A. Yes.

12 Q. Let me know when you're ready.

13 A. Here, I see. "We knew Masaba is worn
14 out. This number one has nearly broke them
15 emotionally. We are working several angles to get
16 number two out of their hands." Yes.

17 Q. So this is -- this is the correspondence
18 that you're referring to in your declaration,
19 correct?

20 A. Yes.

21 Q. If you look above where you were reading
22 to the numbered paragraph 1 --

23 A. Okay.

24 Q. That first paragraph says that Masaba is
25 \$450,000 upside down on number one. Do you see

1 **that?**

2 A. Yes.

3 Q. Masaba there is stating that they've lost
4 **\$450,000** on the design and manufacture of the first
5 **unit for Solaris, correct?**

6 A. Yes.

7 Q. And then Mr. Stanton -- or Mr. Trantham
8 goes on to state, "If you were to ask me why they
9 are moving slow on, it is that they're paralyzed on
10 losing another **\$450,000.**" Do you see that?

11 A. Yes.

12 Q. And then down below, the part that you
13 read, he said, "This number one has nearly broke
14 them emotionally." Do you see that?

15 A. Yes.

16 Q. Does Mr. Trantham state that it was the
17 incident with the broken axle that nearly broke
18 them emotionally?

19 A. Not that I see in here.

20 Q. But looking just at the paragraph above,
21 Mr. Trantham states, "One is figuring out how to
22 get Masaba to swallow their **\$450,000 loss.**" Do you
23 see that?

24 A. Okay.

25 Q. And so the paragraphs immediately before

1 the statement that this number one has nearly
2 broken them emotionally concerned Masaba's \$450,000
3 loss on first unit, correct?

4 MR. MORICO: Objection. Form.

5 THE WITNESS: I can't interpret that from
6 his statement.

7 Q. (BY MR. NYDEGGER) Can you interpret that
8 it was the incident of the broken axle that nearly
9 broke them emotionally?

10 A. When I spoke to them in Vermilion, they
11 were highly concerned about the incident.

12 Q. Well, in your declaration, this was the
13 correspondence that you referenced to support your
14 statement, correct?

15 A. Yes.

16 Q. And so my question is, how do you
17 interpret the statement in this correspondence that
18 you referenced as indicating that the broken axle
19 incident nearly broke them emotionally?

20 MR. MORICO: Objection. Form.

21 THE WITNESS: That's how I interpret that
22 statement.

23 Q. (BY MR. NYDEGGER) You interpret it that
24 way despite the preceding paragraphs are all about
25 the \$450,000 loss?

1 MR. MORICO: Objection. Form.

2 Q. (BY MR. NYDEGGER) Correct?

3 A. I can't tell what Dan Trantham was
4 necessarily referring to when it said it broke them
5 emotionally. That's my interpretation.

6 Q. And Mr. Trantham, he's not a Masaba
7 employee; he's with Anchor, correct?

8 A. That's correct.

9 Q. When you perform design work on a
10 project, do you bill your time?

11 A. We allocate the amount of time that we
12 spend within a month on a particular project.

13 Q. Okay. So is it correct that you keep
14 track of how much time you spend designing various
15 projects?

16 A. Not hour by hour.

17 Q. Is it an approximation?

18 A. It's a percentage of effort.

19 Q. Okay.

20 A. So regardless of the number of hours that
21 I work in a month, if I spend 60 percent of those
22 hours on a particular project, I spend 60 percent
23 of my time on that project.

24 Q. Okay. And you do that for all the
25 projects that you assist with the design of?

1 A. Yes.

2 Q. Could you pull up Exhibit-1107? That
3 should be in your binder.

4 A. Okay.

5 Q. My computer is still trying to pull it up
6 here. So Solaris created a job in its system for
7 this -- for the design project by Masaba, correct?

8 A. Yeah.

9 Q. And it was called the top-fill belt wall
10 conveyor, correct?

11 A. I don't know what the project name was.
12 I would have to go back and look at our records.

13 Q. If you look at page 3 of Exhibit-1107,
14 the very last paragraph.

15 A. Okay.

16 Q. Does that refresh your recollection about
17 the name of the job?

18 A. It may have been the name of the job.

19 Q. Okay. And as of February 23rd, 2021,
20 there had been zero hours and zero costs allocated
21 to that job, correct?

22 A. I guess per this e-mail, yes.

23 Q. I'm going to put another exhibit in the
24 chat. Do you see Exhibit-2031? This was a
25 previously marked exhibit. Were you able to open

1 **that?**

2 A. Patent No. 11,858,760?

3 **Q. Yes.**

4 A. Is that --

5 **Q. You are the first named inventor on this**
6 **patent, correct?**

7 A. Yes.

8 **Q. And no one from Masaba is named as an**
9 **inventor on this patent, correct?**

10 A. That's correct.

11 **Q. And you along with the other named**
12 **inventors signed an oath and declaration with the**
13 **application that was submitted to the patent office**
14 **with the application for this patent, correct?**

15 A. Yes.

16 **Q. And so by that, you represented that you**
17 **and Mr. Lambert and Mr. Martinez, the other two**
18 **named inventors, are the sole inventors of the**
19 **invention in Exhibit-2031, correct?**

20 A. Yes.

21 **Q. Did you inform the patent office that**
22 **Masaba's system had been sold and in public use**
23 **more than a year before the filing of the**
24 **application for the '760 patent?**

25 MR. MORICO: Counsel, this is way outside

1 the scope of his declaration. Where is his patent
2 and specifically that topic discussed in his
3 declaration?

4 MR. NYDEGGER: This is impeachment.

5 MR. MORICO: It's not appropriate. I'm
6 not going to let him answer it. If you need to get
7 the board on the call, I will. If you need to
8 insist on asking the question, we need to get the
9 board to decide this issue. This is not
10 appropriate.

11 MR. NYDEGGER: Sure. Let's get the board
12 on the phone. Should we go off the record while we
13 call the board?

14 MR. MORICO: Sure. Yeah.

15 (Off the record from 1:23 p.m. to
16 1:28 p.m.)

17 (Record read back as follows:

18 "Did you inform the patent office that
19 Masaba's system had been sold and in public
20 use more than a year before the filing of the
21 application for the '760 patent?")

22 MR. MORICO: Yeah. And I'm going to
23 instruct him not to answer that question. I don't
24 see how, unless you can explain to me, Chad or
25 Mr. Nydegger, how that relates to credibility or

1 impeachment.

2 MR. NYDEGGER: That's fine. We'll wait
3 for the board on that one. So should I continue to
4 ask the questions and we'll just take them one at a
5 time?

6 MR. MORICO: I mean, that's totally up to
7 you. I mean, if you're going to continue asking
8 questions about this patent, Mr. Weinstein's
9 patent, which is nowhere mentioned in his
10 declaration, if you're going to be asking him
11 questions about that patent and disclosures in that
12 patent, then I'm probably going to instruct him not
13 to answer. But I'm happy to take each question as
14 it comes and we can decide it on that basis.

15 MR. NYDEGGER: Well, this is -- I think
16 that maybe -- I think that maybe what we need to do
17 is just leave the deposition open and wait until we
18 can get a decision from the board. This is my last
19 line of questioning. I mean, I would go on to
20 other topics and see if we got a call from the
21 board, but as this is my last line of questioning,
22 I think that maybe the best approach here is to
23 just leave the deposition open and wait until we
24 hear from the board.

25 MR. MORICO: Okay. All right. Is that

1 it from you? I mean, I'm assuming you have no
2 other questions. I don't either.

3 MR. NYDEGGER: That's correct. Other
4 than leaving the deposition open for this line of
5 questioning, I have no other questions.

6 MR. MORICO: Okay. I don't have any for
7 the witness either, so I believe we're done for the
8 day then.

9 (Proceedings concluded at 1:30 p.m.)

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REPORTER CERTIFICATE

I, Phoebe Moorhead, RDR, CRR, a Certified Shorthand Reporter in and for the State of Utah, do hereby certify:

That the testimony of JEREMY WEINSTEIN, the witness in the foregoing proceeding named, was taken on September 17, 2025; that said witness was by me, before examination, duly sworn to testify the truth, the whole truth, and nothing but the truth in said cause;

That the testimony of said witness was reported by me in stenotype and thereafter transcribed into typewritten form;

That the same constitutes a true and correct transcription of said testimony so taken and transcribed and that the said witness testified as in the foregoing annexed pages set out.

I further certify that I am not of kin or otherwise associated with any of the parties of said cause of action and that I am not interested in the event thereof.

Certified and dated this 17th day of September, 2025.

Phoebe Moorhead

PHOEBE S. MOORHEAD, RDR, CRR
Certified Shorthand Reporter
for the State of Utah

1 Case: Solaris vs. Masaba
Case No.: IPR2024-01179 Date: September 17, 2025
2 Reporter: Phoebe Moorhead, RDR, CRR

3 WITNESS CERTIFICATE

4 State of Utah)
5 County of Salt Lake)

6 I, JEREMY WEINSTEIN, HEREBY DECLARE UNDER
PENALTY OF PERJURY: That I am the witness referred
7 to in the foregoing testimony; that I have read the
transcript and know the contents thereof; that with
8 these corrections I have noted this transcript
truly and accurately reflects my testimony.

9	PAGE-LINE	CHANGE/CORRECTION	REASON
10	_____	_____	_____
11	_____	_____	_____
12	_____	_____	_____
13	_____	_____	_____
14	_____	_____	_____
15	_____	_____	_____
16	_____	_____	_____
17	_____	_____	_____
18	_____	_____	_____
19	_____	_____	_____
20	_____	No corrections were made.	

21 Executed on this _____ day of _____,
22 20____.

23
24 _____
JEREMY WEINSTEIN

25

Exhibits		
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