

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

GUNTERT & ZIMMERMAN CONST. DIV., INC.,
Patent Owner.

Case IPR2020-01698
U.S. Patent No. 10,029,749

**DECLARATION OF JEFF HOLLEY
IN SUPPORT OF PATENT OWNER'S RESPONSE**

I, Jeff Holley, declare:

1. I have personal knowledge of the facts stated herein and can testify competently as to those facts. I make this declaration in support of the need in the industry for a slipform paver that can automatically reposition its swing legs to easily transition from one mode to another, *e.g.*, paving mode to transport mode, using 90 degree steering, and also quickly and easily maneuver around obstacles. Additionally, I make this declaration in support of customer praise of G&Z's slipform pavers with the SmartLeg / AccuSteer technology, which satisfied these industry requests.

2. For 22 years, I worked as a mechanical supervisor for one of the most prominent and oldest road construction companies in the United States. In my position, I was responsible for purchasing paving equipment, including slipform pavers, as well as maintaining the paving equipment. Specifically, in regards to the purchasing of paving equipment, I was responsible for ensuring that the right paving equipment, with the right paving options, was purchased for road construction projects.

3. When I first started, construction jobs generally involved paving new highways, so for example, a 100 mile stretch with no obstacles would need to be paved. Thus, a slipform paver would generally only need to change from the paving mode to transport mode after the stretch of highway was paved. As such,

the conventional slipform paver featuring swing leg assemblies (with steering cylinders) were equipped for this type of job, despite the fact that the paver had to be manually repositioned because there was only a limited number of times that the slipform paver had to be changed from one mode to another.

4. However, beginning in the early 2000s, road construction jobs started turning to rehabbing highways, which entails repaving small sections of highway with countless number obstacles, such as electric poles, traffic, signs, and barriers. Unlike paving new highway, which requires minimal repositioning of the slipform paver's swing legs and crawler tracks, rehabbing highways demands constant repositioning from one mode to another, *e.g.*, from paving mode to transport mode, as well as maneuver around these obstacles. As such, the conventional slipform paver I mentioned above was not well equipped for this type of job given that its swing legs and crawler tracks have to be manually repositioned by workers, which was not only labor intensive but also extremely time consuming.

5. In particular, the conventional slipform paver was not equipped for this type of construction job because it required roughly six workers, including an operator and supervisor, to reposition the slipform paver's swing legs and crawler tracks from one mode to another, and could easily take up to half a day to complete. As these workers had to manually repositioned each swing leg by using, for example, a small crane to swing each swing leg frame to the desired

location, while also manually repinning the steering cylinder to allow each crawler track to be repositioned, *e.g.*, to the transport mode using 90 degree steering. Indeed, 90 degree steering of the crawler tracks was required for walking the slipform paver from one paving jobsite to another in the transport mode. Moreover, whenever an obstacle blocked the paving path the slipform paver had to be stopped because the steering cylinder (having limited steering angles) could not automatically maneuver around the obstacle. As such, the workers had to manually move the slipform paver around the obstacle, which was a very time consuming processes, and would also have to hand pave the area immediately surrounding the obstacle.

6. In the construction business, time and labor are money. As such, the time spent manually repositioning the slipform paver interfered with valuable paving time, and thus money. Given the foregoing issues with the conventional slipform paver, there was therefore a need for new paving equipment technology that could reduce the number of workers and time spent on repositioning the slipform paver's swing legs and crawler tracks from one mode to another. G&Z's revolutionizing SmartLeg / AccuSteer technology addressed these needs.

7. Purchasing G&Z's slipform pavers with SmartLeg / AccuSteer technology was a game changer, as it dramatically decreased the number of workers required and time spent on repositioning the swing legs and crawler

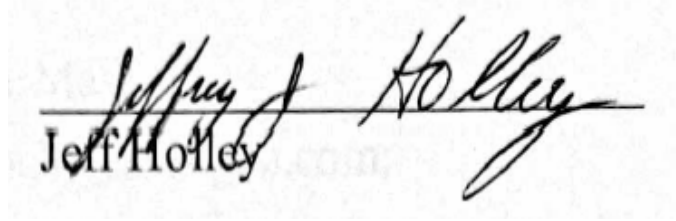
tracks. Specifically, the technology reduced the number of workers from roughly six down to two—just the operator and the supervisor—that are needed to reposition the slipform paver. With the SmartLeg / AccuSteer technology, an operator upon a flip of a switch can automatically take the slipform paver from the paving mode to transport mode (*vice versa*) within minutes; as I mentioned above this previously had taken up to half a day. As the SmartLeg / AccuSteer technology, including a slew drive on each crawler track, allows the repositioning of the swing legs from one mode to another, where the crawler tracks are relocated to and from a 90 degree steering position without the need to repin a steering cylinder. Moreover, the technology allows for easy and quick maneuvering of the swing legs around obstacles all while still paving.

8. As I explained above, time is money in the paving construction industry and G&Z invented a more economical way for the future in concrete paving with its SmartLeg / AccuSteer technology. By way of example, I was involved in two road construction projects in North Carolina that were eight miles apart with similar deadlines. Given the close proximity of the projects and the tight deadlines, I purchased G&Z's slipform paver with the SmartLeg / AccuSteer technology. G&Z's slipform paver was essential to the success of the project, as the technology allowed my team to pave at both job sites—paving at one during the days and another during the nights.

9. With G&Z's SmartLeg / AccuSteer technology, cost, labor, and setup were cut down tremendously—at least by half—as my team could now quickly and easily reconfigure the swing legs and the crawler tracks from one mode to another to transport the slipform paver to and from the jobsites each day. That is, the SmartLeg / AccuSteer technology quickly and easily turned the swing legs and crawler tracks (to 90 degree steering position) to the transport mode so that the slipform paver could be walked onto a trailer and transported from one job cite to another. This process was repeated once the slipform paver arrived at the job cite, as the SmartLeg / AccuSteer technology quickly and easily turned the swing legs and crawler tracks from the transport mode to the paving mode. Thus, on these projects, G&Z's slipform paver with the SmartLeg / AccuSteer technology drastically saved my team time, and thus money.

10. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. I further declare that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Executed on July 20, 2021, in Centreville, Virginia.

A handwritten signature in cursive script, reading "Jeffrey J. Holley", is written over a horizontal line. Below the line, the name "Jeff Holley" is printed in a standard serif font.

CERTIFICATE OF SERVICE

The undersigned certifies, in accordance with 37 C.F.R. § 42.6(e), that service was made on the Petitioner as detailed below.

<i>Date of service</i>	July 30, 2021
<i>Manner of service</i>	Electronic Filing with the Board
<i>Documents served</i>	DECLARATION OF JEFF HOLLEY IN SUPPORT OF PATENT OWNER’S RESPONSE
<i>Persons Served</i>	Finnegan, Henderson, Farabow, Garrett & Dunner, LLP: Jason Stach Luke J. McCammon David K. Mroz Sonja W. Sahlsten Robert High

/James Hannah/
James Hannah
Registration No. 56,369
Lead Counsel for Patent Owner