

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

UATP IP, LLC,

Petitioner,

v.

SLICK SLIDE LLC,

Patent Owner.

Case PGR2024-00054 (US Patent No. 11,998,854)

**VIDEOCONFERENCE DEPOSITION OF
GARY SCHMIT**

NOVEMBER 10, 2025

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10:08 a.m. - 1:03 p.m. EST

REPORTED BY:

Tamara L. Houston

CA CSR No. 7244, RPR, CGR, CCRR No. 140

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REMOTE VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF
Gary Schmit, taken on behalf of the Patent Owner,
commencing from 10:08 a.m. to 4:03 p.m. EST, Monday,
November 10, 2025, before Tamara L. Houston, CSR No.
7244, CCRR, CRG, RPR.

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None marked.

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EXHIBITS REFERENCED:

EXHIBIT 23

EXHIBIT 1001

EXHIBIT 2033

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1 MONDAY, NOVEMBER 10, 2025, 10:08 a.m. EST

2 * * *

3 THE VIDEOGRAPHER: We are now on the
4 record. Today's date is November 10th, 2025; and the
10:08:17 5 time is 10:08 a.m., Eastern Standard Time.

6 This is the video deposition of Gary Schmit
7 in the matter of UATP IP LLC, Petitioner, versus
8 Slick Slide LLC, patent owner. Case number
9 PGR2024-00054. This deposition is taking place via
10:08:46 10 web videoconference with all participants attending
11 remotely.

12 My name is Marcela Sandoval. I'm the
13 videographer representing The Sullivan Group of Court
14 Reporters.

10:08:59 15 Would the counsel on the conference please
16 identify yourself and state whom you represent,
17 beginning with the questioning attorney.

18 MR. DEUTSCH: Yes. This is Craig Deutsch
19 with Fish & Richardson on behalf of UATP IP, LLC.
10:09:15 20 And also with me from Fish & Richardson are Cam Ubel
21 and Tom Rozyłowicz.

22 MR. SCHATZ: And counsel for the patent
23 owner, Brett Schatz and Lou Sitler.

24 THE VIDEOGRAPHER: Our court reporter today
10:09:33 25 is Tamara Houston representing The Sullivan Group of

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1 Court Reporters. The court reporter will now swear
2 in the witness.

3 COURT REPORTER: My name is Tamara Houston,
4 California Certified Shorthand Reporter, License
10:10:10 5 Number 7244.

6 GARY SCHMIT,
7 having been called as a witness,
8 who was thereupon examined and testified as
9 hereinafter set forth:

10:10:12 10 EXAMINATION BY MR. DEUTSCH:

11 Q. Thank you for being here today, Mr. Schmit.

12 A. Thank you.

13 MR. SCHATZ: Craig -- Craig, I'm sorry.
14 Before you begin, I -- I don't want to interrupt your
10:10:22 15 line of questioning, but just to lodge my objection
16 to the videotaping of the deposition as not being
17 properly included in the notice. So we object to the
18 videotape -- video recording of the deposition.

19 MR. DEUTSCH: Thank you, Brett. I'll just
10:10:50 20 -- for the record, I can provide the notice, if
21 that's helpful. It's our understanding it was
22 included based on the communications from your side
23 that the deposition would be videoed as well as
24 transcribed.

25 BY MR. DEUTSCH:

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1 Q. Mr. Schmit, where are you located today?

2 A. Phoenix, Arizona.

3 Q. And is that where you're based?

4 A. It is where I'm personally based, yes.

10:11:44 5 Real quick, before we get started, I just
6 want to go on the record as well that I had cancer
7 surgery this year, throat cancer. So if my speech
8 seems unclear or jumbled, it is due to that.

9 Q. Understood. And just let me know, Mr.

10:11:59 10 Schmit, if -- if anything -- if there's any reason
11 you need a break or if there's any challenges
12 associated with that. We can -- we can take a break
13 at any time, of course.

14 A. I appreciate that.

10:12:13 15 Q. Yeah. No problem.

16 And, of course, I'll just mention, you
17 know, as housekeeping items at the outset, our
18 conversation today is being transcribed, of course,
19 by the court reporter. So to make her job easier and
10:12:29 20 ensure we capture an accurate record, it's important
21 not to speak over one another.

22 And so after I ask the question, I'll pause
23 and then provide you with an opportunity to respond.
24 And in doing that, if a question is unclear, just let
10:12:47 25 me know if you'd like me to clarify, and I can

1 restate or rephrase -- rephrase the question.

2 And if you don't ask me to clarify, I'll
3 assume that you understood the question.

4 Is that fair?

10:13:04 5 A. Fair enough.

6 Q. And then it's also important to give verbal
7 responses, again, just to make sure that it's
8 captured in the transcription.

9 A. That's exactly why I pointed out my
10:13:19 10 discrepancy, so...

11 Q. Yeah. Thank you.

12 And you said you're -- you're in Phoenix
13 today, and that is where you're based as well?

14 A. Correct.

10:13:31 15 Q. And that's where Slick Slide LLC is based?

16 A. Slick Slide LLC is a Delaware corporation;
17 but, yes, we office out of Phoenix, Arizona.

18 Q. Okay. Yeah. Thanks for clarifying.

19 Do you have any materials with you today,
10:14:05 20 Mr. Schmit?

21 A. A pad of paper and a pen.

22 Q. And in the past you've uploaded exhibits,
23 and we can step -- step through those as appropriate,
24 and just let me know if you have any problems
10:14:21 25 reviewing those exhibit -- exhibits or accessing

1 them.

2 Is there any reason that you cannot give
3 truthful and accurate testimony today? Mr. Schmit?

4 A. No.

10:14:43 5 Q. And just to -- to ensure clarity, when I
6 use the term "patent owner" or "Slick Slide," I'm
7 referring to Slick Slide LLC.

8 Does that make sense?

9 A. Yes, it does.

10:14:57 10 Q. And we'll be talking about the '854 patent
11 today; and when I refer to the 84 -- excuse me, '854
12 patent, I'm talking about U.S. Patent 11,998,854,
13 which is Exhibit 1001 in this proceeding.

14 Do you understand?

10:15:20 15 A. Yes.

16 Q. Have you ever been deposed before,
17 Mr. Schmit?

18 A. Yes.

19 Q. About how many times have you been deposed?

10:15:37 20 A. To put a number to it, between five and
21 eight.

22 Q. And were those depositions related to
23 patent infringement proceedings?

24 A. There -- there have been several of those,
10:15:50 25 yes.

1 Q. Have you been deposed in other types of
2 proceedings that were not patent infringement
3 proceedings?

4 A. Yes. I believe there's a couple, just
10:16:01 5 civil cases that were in there as well.

6 Q. Have you ever been deposed in a proceeding
7 before the Patent Trial and Appeal Board?

8 A. I'm sorry, I don't understand your
9 question.

10:16:17 10 Q. Have you been deposed in any U.S. patent
11 office proceedings like the one that we're discussing
12 today?

13 A. No.

14 Q. Just have a few questions about your
10:16:36 15 preparation for today's deposition.

16 As part of your preparation to testify
17 today, did you communicate with anybody?

18 A. No.

19 Q. I'm sorry, I didn't quite catch that.

10:16:51 20 A. No.

21 Q. Okay. And did you communicate with -- let
22 me -- let me take a step back.

23 Are you aware of anyone else that submitted
24 a declaration in this proceeding?

10:17:13 25 A. I'm not.

1 Q. We can turn to your declaration, and this
2 is Exhibit 2033.

3 MR. SCHATZ: Craig, if it's okay with you,
4 I have an unmodified, clean copy of Exhibit 2033 in
10:17:42 5 paper.

6 Would it be okay if I present that to the
7 witness?

8 THE WITNESS: Yeah, please do.

9 MR. SCHATZ: Great.

10:18:02 10 BY MR. DEUTSCH:

11 Q. And, Mr. Schmit, is the document that
12 you're looking at marked with Exhibit 2033 at the
13 bottom right corner on the front -- front page?

14 A. Yes, it is.

10:18:13 15 Q. Let's turn to paragraph 3. This is on the
16 top of page 4. You indicated, "I am being paid
17 nothing for this declaration beyond my normal
18 compensation and other benefits as CEO of Slick
19 Slide"; is that right?

10:18:36 20 A. Correct.

21 Q. What do you mean by "other benefits as CEO
22 of Slick Slide"?

23 A. So anything outside of monetary
24 compensation.

10:19:01 25 Q. What do you mean by that?

1 A. I don't know. I refer back to my original
2 statement. Anything outside of a monetary -- like
3 money exchange.

4 Q. And those are your typical benefits as CEO
10:19:19 5 of Slick Slide; is that what you're referring to?

6 A. Yeah. Gifts or, you know, anything outside
7 of a monetary reimbursement, compensation.

8 Q. Are you also the owner of Slick City
9 Franchise Group?

10:19:43 10 A. I am, yes.

11 Q. Do you receive compensation and benefits in
12 that role?

13 A. I do not. I own equity, but I do not
14 receive -- my -- my paycheck comes from Slick Slide
10:19:58 15 LLC.

16 Q. And are you the sole owner of Slick City
17 Franchise Group?

18 A. No. There are a handful of partners
19 involved.

10:20:14 20 Q. What other partners are involved?

21 A. The holding companies or the specific
22 partners themselves?

23 Q. The partners first.

24 A. Bron Launsby, Kevin Van Hazel, Chuck
10:20:34 25 Walton, and Wade Stokes.

1 Q. And I think you said you didn't speak to
2 anyone about -- about your declaration in -- or let
3 me strike that.

4 In preparing your declaration, did you
5 speak with any of these partners?

6 A. To my knowledge, no.

7 Q. And then you'd mentioned other holding
8 companies.

9 What are those holding companies you're
10 referring to?

11 A. Slide one LLC. It is my and my wife's
12 holding company. Family of Eight LLC is Bron
13 Launsby's holding company, and CW Investments is
14 the -- LLC is the holding company for Chuck, Kevin,
15 and Wade mentioned earlier.

16 Q. And you said you don't receive any
17 compensation directly in your ownership role of Slick
18 City Franchise Group, only equity?

19 A. Correct.

20 Q. Do you think your equity will be impacted
21 by the outcome of this proceeding?

22 MR. SCHATZ: Object to form.

23 THE WITNESS: I have no idea.

24 BY MR. DEUTSCH:

25 Q. Does the equity include value of -- of

1 patents related to products that are in Slick City
2 locations?

3 MR. SCHATZ: Object to form.

4 THE WITNESS: I'm sorry. Can you rephrase
10:23:05 5 that, please?

6 BY MR. DEUTSCH:

7 Q. Does the value of your equity include value
8 of patent assets that --

9 A. I'm not qualified to answer that.

10:23:30 10 Q. Let's -- let's shift to -- I'd like to
11 understand a little bit about your background, kind
12 of from a technical standpoint; and this is going
13 back to when you began development on slides and
14 particular dry slides before Slick City was
10:23:51 15 established.

16 And I'll start with your education and
17 technical background, if that's okay.

18 A. Yes.

19 Q. Do you have a formal degree in a technical
10:24:02 20 field? Do you have a bachelor's degree?

21 COURT REPORTER: I'm sorry, Counsel. I'm
22 not hearing the witness.

23 THE WITNESS: She's having trouble hearing
24 me. Is the light on?

10:24:25 25 MR. SCHATZ: It's on.

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1 THE WITNESS: Sorry. I'll try to get a
2 little bit closer.

3 COURT REPORTER: And your answer, sir?

4 THE WITNESS: What was the question again?
5 I'm sorry.

6 COURT REPORTER: Mr. Deutsch, would you
7 like me to repeat it?

8 MR. DEUTSCH: Yeah, I'm not sure where we
9 left off.

10 (Record was read.)

11 THE WITNESS: Can I answer? No, I do not.

12 BY MR. DEUTSCH:

13 Q. What is your highest kind of formal
14 educational level?

15 A. Three years of college at the University of
16 Arizona, business and communications.

17 Q. And as -- as part of your time at the
18 University of Arizona, did you take any engineering
19 or technical coursework?

20 COURT REPORTER: Counsel, again, I didn't
21 hear an answer.

22 THE WITNESS: No.

23 COURT REPORTER: Thank you.

24 BY MR. DEUTSCH:

25 Q. Did you take any university coursework

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1 aside from your time at the University of Arizona?

2 A. No.

3 COURT REPORTER: Counsel, I see the
4 witness's mouth moving, but I am unable to hear him.

10:26:37 5 MR. SCHATZ: Can you hear me now? Can you
6 hear me?

7 COURT REPORTER: Yes.

8 THE WITNESS: Test, test. Can you hear me?

9 COURT REPORTER: I can. It's just the one
10:26:49 10 word answers that seem to not come through.

11 MR. SCHATZ: Our volume is up as loud as it
12 will go, so...

13 MR. ROZYLOWICZ: Counsel, if I might, it
14 appears that the microphone is very directional,
10:27:09 15 which is great when you speak into it, but I think
16 that might explain some of our difficulties here. It
17 looks like he's off-center, and I think that explains
18 why the failure to communicate here.

19 MR. SCHATZ: Thanks, Tom. We'll adjust the
10:27:24 20 position of the laptop. Hopefully it will --

21 THE WITNESS: Test, test.

22 BY MR. DEUTSCH:

23 Q. Okay to continue?

24 Did any of your coursework include material
10:27:53 25 science subject matter?

1 A. It did not.

2 Q. And more specifically, fiber science or
3 textile science?

4 A. No.

10:28:00 5 Q. Are those areas that you had other
6 experience in when you began working on recreational
7 slides? And more specifically, I mean fiber science
8 or textile science.

9 A. No experience prior.

10:28:44 10 Q. And looking at the industry -- the larger
11 industry -- and, again, in the timeframe that you
12 began working on these -- these slides, was it common
13 that other -- other slide developers likewise did not
14 have that type of technical background?

10:29:07 15 MR. SCHATZ: Objection. Form.

16 THE WITNESS: Not -- not to my knowledge.

17 BY MR. DEUTSCH:

18 Q. Would developers sometimes have engineering
19 backgrounds?

10:29:26 20 MR. SCHATZ: Objection. Form.

21 THE WITNESS: I don't really understand
22 that question.

23 BY MR. DEUTSCH:

24 Q. Yeah. I can -- I can rephrase that.

10:29:37 25 Let's -- let's -- I can be more specific

1 also about the timing.

2 I think you had mentioned you'd been
3 developing slide technology for about eight years; is
4 that right?

10:29:54 5 A. Approximately, yes.

6 Q. So that would go back to about 2016 or 2017
7 timeframe?

8 Do I have that right?

9 A. Correct, correct. Yes.

10:30:07 10 Q. And so what were you doing prior to that
11 timeframe in terms of an occupation?

12 A. I was involved in the ecommerce business,
13 very successfully, for many years prior to that.
14 I've been involved in real estate. I've had other
10:30:27 15 entrepreneurial projects that I've worked on pretty
16 much my whole career.

17 Q. And so tell me about how you got started in
18 recreational slides in the 2016 timeframe.

19 MR. SCHATZ: Objection to form.

10:30:52 20 THE WITNESS: I started taking interest in
21 the family entertainment center industry, FEC. Dove
22 into, I guess, the due diligence that -- that
23 surrounds that; went to trade shows, immersed myself
24 in the industry, educated myself, went as far as
10:31:21 25 almost signing a lease for a trampoline park in

1 2015/'16.

2 And then this type of slide, being like the
3 Launch Slide, piqued my interest from a ski jump that
4 was turned into a water slide, and I -- I -- a light
10:31:51 5 bulb went off, and I decided to pursue that -- that
6 water slide. So...

7 BY MR. DEUTSCH:

8 Q. And what do you mean you decided to pursue
9 that water slide?

10:32:04 10 A. Develop my own.

11 Q. I understand. And at that point was the
12 idea to develop a launch water slide or a dry slide?

13 MR. SCHATZ: Object to form.

14 THE WITNESS: At that time it was to
10:32:29 15 develop a water, lubricated slide that was -- that
16 was a launch, correct.

17 BY MR. DEUTSCH:

18 Q. And just to make sure I have the
19 terminology right, when you -- you talk about that
10:32:58 20 Launch Slide, is that -- is that how it was described
21 in the 2015/2016 timeframe?

22 A. Not to my knowledge. I believe that's a
23 name that I -- I pioneered.

24 Q. And do you recall when you first started
10:33:47 25 using the -- that term, "Launch Slide"?

1 A. I believe probably 2016.

2 Q. And so did you coin the term "Launch
3 Slide"?

4 A. I don't know. I believe so, but I could --
5 who knows.

6 Q. So you mentioned starting out focused on a
7 water version of a slide.

8 When did you start thinking about a dry
9 slide as opposed to a water slide?

10 A. Approximately 2017, after the success of
11 the water slide is when I started, I guess, thinking
12 that this would be a successful product.

13 Q. And when you say this would be a successful
14 product, are you referring to the -- a dry slide
15 Launch Slide?

16 A. Correct. Yes.

17 Q. And what precipitated that transition?

18 MR. SCHATZ: Object to form.

19 THE WITNESS: The success of the water
20 slide.

21 BY MR. DEUTSCH:

22 Q. And so what -- what did that look like when
23 you started developing a dry slide version of your
24 water slide?

25 MR. SCHATZ: Object to form.

1 THE WITNESS: Can you be more specific?

2 BY MR. DEUTSCH:

3 Q. Yeah. Did -- did -- did the water slide --
4 well -- well, let me take a step back. I guess what
10:36:32 5 did your development activities look like when you
6 set out to make a dry Launch Slide?

7 A. Just a lot of research and development, you
8 know, learning as much as I could about material
9 science and reading a lot of published works and just
10:36:59 10 immersing myself, I guess, in that coefficient of
11 friction world, if you will.

12 Q. And you're talking about the coefficient of
13 friction between the slide surface and a rider?

14 A. Correct.

10:37:23 15 Q. You mentioned reading a lot of published
16 works.

17 Did you look at any dry slides that were on
18 the market in that timeframe?

19 A. There were none, to my knowledge.

10:37:47 20 Q. There were no dry slides in the market in
21 the 2016 -- or what -- what timeframe were you
22 referring to, Mr. Schmit?

23 A. I don't know the exact timeframe. It would
24 have been right after the water slide; so, again,
10:38:02 25 maybe around the 7 -- '16/'17-year mark that I began

1 this quest.

2 Q. And I just want to make sure I'm
3 understanding. When you say there were no dry slides
4 in the market at that time, are you referring
10:38:21 5 specifically to launch slides? Or are you talking
6 about dry slides generally?

7 A. Certainly not launch slides. But, I mean,
8 I guess a standard park slide, I guess, could be
9 considered a dry slide but not with the technology
10:38:43 10 that we brought to the market.

11 Q. Understood. So those -- those typical dry
12 slides that were in the market at the time, did your
13 research inform what those typical slides were made
14 from?

10:39:09 15 MR. SCHATZ: Objection to form.

16 THE WITNESS: Again, I -- I think that the
17 only thing that I had to really compare to would be
18 like a standard slide that you would see in a park or
19 on a playground, for instance, whether it's plastic,
10:39:25 20 stainless steel, numerous different materials.

21 But, again, nothing that was comparable to
22 the dry slide technology that we brought to the
23 market.

24 BY MR. DEUTSCH:

10:39:37 25 Q. So what -- what kind of material was used

1 for the slide surface of a typical dry slide made of
2 a polymer when you began this development work?

3 MR. SCHATZ: Objection to form.

4 THE WITNESS: There were none, to my
5 knowledge.

6 BY MR. DEUTSCH:

7 Q. There were no dry slides made of polymer in
8 the 2017 timeframe? Is that your opinion?

9 MR. SCHATZ: Objection to form.

10 THE WITNESS: I'm -- I'm not sure. If you
11 can clarify -- are you talking about the slide
12 surface itself?

13 BY MR. DEUTSCH:

14 Q. That's the question. I'm just trying to
15 understand the types of materials that were typical
16 of slides in the market in that timeframe. And I
17 think you had mentioned -- you know, slides that
18 you'd see in a park that could be made of plastic or
19 stainless steel or other -- other materials. And so
20 I'm asking about those typical slides from the
21 timeframe.

22 And I can -- I can repeat the question.

23 A. There's no need to repeat it. That's -- as
24 I mentioned before, that was -- the only reference, I
25 guess, that was available at that time would have

1 been a standard slide that you would see in a
2 playground or park typically made of stainless steel
3 or plastic or other materials that I just don't even
4 know about.

10:41:14 5 Q. Sure. So at that timeframe, looking at a
6 typical dry slide, it wouldn't have included a
7 lubricant in the -- in the slide surface; is that
8 right?

9 A. Not to my knowledge.

10:41:53 10 Q. Do you know of any slides in the timeframe
11 that used a ride vehicle?

12 A. Did not.

13 Q. So then what did your development activity
14 look like at that point after researching the state
10:42:33 15 of the market and publications, as you mentioned?

16 MR. SCHATZ: Object to form. Objection.
17 Outside the scope of Mr. Schmit's declaration.

18 THE WITNESS: I set out to achieve a
19 specific coefficient of friction, and I got to work
10:42:53 20 trying to -- to achieve that.

21 BY MR. DEUTSCH:

22 Q. And so looking -- looking at a typical
23 polymer slide surface without a lubricant, was there
24 a -- I'm sorry, did you say something?

10:43:27 25 A. No, I didn't.

1 Q. Okay. Let me restart that question.

2 If starting from a typical slide surface
3 without a lubricant and adding a lubricant to the
4 polymer, would a person of ordinary skill expect that
10:43:51 5 the coefficient of friction would go down?

6 MR. SCHATZ: Object to form. Object.
7 Outside the scope of Mr. Schmit's declaration.

8 THE WITNESS: I wouldn't be qualified to
9 answer that.

10 BY MR. DEUTSCH:

11 Q. So you're unsure if -- if you add a
12 lubricant like PTFE to a polymer slide surface
13 whether the coefficient of friction would be reduced?

14 MR. SCHATZ: Object to form. Objection.
10:44:42 15 Outside the scope of Mr. Schmit's declaration.

16 THE WITNESS: Again, I -- it's -- that's a
17 very general question I'm not qualified to answer.

18 BY MR. DEUTSCH:

19 Q. Did you -- let me -- let me rephrase that.

10:45:11 20 Are you qualified to opine on whether a
21 lubricant would provide better performance than a
22 slide surface that doesn't have a lubricant?

23 MR. SCHATZ: Objection. Outside the scope
24 of Mr. Schmit's declaration.

10:45:26 25 THE WITNESS: I'm -- I'm not.

1 BY MR. DEUTSCH:

2 Q. Did you select materials that were used in
3 the slide surface of your Launch Slide that you were
4 developing in the 2017 timeframe?

10:45:59 5 MR. SCHATZ: Objection to form. Objection.
6 Outside the scope of Mr. Schmit's declaration.

7 THE WITNESS: I experimented with hundreds
8 of different materials over many, many years.

9 BY MR. DEUTSCH:

10:46:28 10 Q. And so that -- that -- so there's a period
11 of many years when you were experimenting with
12 different materials.

13 When did you arrive at a slide surface that
14 you thought would be effective?

10:46:50 15 A. Gosh, I -- I don't know the time period.
16 It's such a long evolution and failure after failure
17 after failure. It would be hard to -- to hit a date
18 for that.

19 Q. And we can do a more kind of concrete
10:47:26 20 question to that point.

21 When did you have a Launch Slide that you
22 felt was ready to introduce commercially?

23 MR. SCHATZ: Object to form. Objection.
24 Outside the scope of Mr. Schmit's declaration.

10:47:46 25 THE WITNESS: There was slides that were

1 introduced as early as, I believe, '21. But it's --
2 again, it was continued failure after failure, back
3 to the drawing board that went on for many years. So
4 it's -- again, it's hard to put a date to -- other
10:48:11 5 than when we applied for the patent in question.

6 BY MR. DEUTSCH:

7 Q. Do you recall when you first sold -- or
8 let -- let me rephrase that.

9 Do you recall who Slick Slide first
10:48:35 10 delivered its Launch Slide to?

11 A. Yes. Sky Zone LLC or CircusTrix LLC, I
12 guess by technical terms, is the first one that
13 purchased a slide from us.

14 COURT REPORTER: May I get that name again,
10:49:02 15 sir?

16 THE WITNESS: CircusTrix, LLC.

17 BY MR. DEUTSCH:

18 Q. And that was the ownership entity of the
19 Sky Zone location that your Launch Slide was
10:49:30 20 delivered to; is that correct?

21 MR. SCHATZ: Object to form. Objection.
22 Outside the scope of Mr. Schmit's declaration.

23 THE WITNESS: Correct. Yes.

24 BY MR. DEUTSCH:

10:50:05 25 Q. And you -- was it a single Launch Slide or

1 were there multiple launch slides that you sold to
2 CircusTrix LLC in the 2020/2021 timeframe?

3 MR. SCHATZ: Object to form.

4 THE WITNESS: I -- I don't believe I said
10:50:25 5 it was in the 2020 timeframe. I believe it was much
6 later than that. I don't recall the exact date, and
7 we've sold many slides to them over the years.

8 BY MR. DEUTSCH:

9 Q. Are those launch slides still in use at
10:50:41 10 their facilities?

11 A. I believe so.

12 Q. And did you provide both the slide and the
13 ride vehicles in those initial sales?

14 MR. SCHATZ: Object to form. Objection.
10:51:04 15 Outside the scope of Mr. Schmit's declaration.

16 THE WITNESS: Yes.

17 BY MR. DEUTSCH:

18 Q. Was there an agreement in place for
19 customers to buy additional ride vehicles for
10:51:22 20 continued use of the slides?

21 MR. SCHATZ: Object to form. Objection.
22 Outside the scope of Mr. Schmit's declaration.

23 THE WITNESS: No, there was not.

24 BY MR. DEUTSCH:

10:52:02 25 Q. So I'd like to talk a little more about

1 the -- the Launch Slide in particular. And when I'm
2 referring to the Launch Slide, again, I'm talking
3 about the slide you delivered in the initial
4 installation at the Sky Zone location.

10:52:27 5 Do you recall what Sky Zone location that
6 was installed at?

7 MR. SCHATZ: Object to form. Objection.
8 Outside the scope of Mr. Schmit's declaration.

9 THE WITNESS: Gosh, I don't.

10:52:45 10 BY MR. DEUTSCH:

11 Q. I guess turning back to the slide itself,
12 that Launch Slide had the nonlubricated slide
13 surface, correct?

14 MR. SCHATZ: Object to form. Objection.
10:52:55 15 Outside the scope of Mr. Schmit's declaration.

16 BY MR. DEUTSCH:

17 Q. And I can rephrase if helpful.

18 I guess really what I'm asking about is the
19 coefficient of friction between the ride vehicle and
10:53:19 20 the slide surface. Is that something that you had
21 tested at that point?

22 MR. SCHATZ: Object to form. Objection.
23 Outside the scope of Mr. Schmit's declaration.

24 THE WITNESS: Other than just field testing
10:53:37 25 at that time, not to my knowledge.

1 BY MR. DEUTSCH:

2 Q. What do you mean by "field testing"?

3 MR. SCHATZ: Objection. Outside the scope
4 of Mr. Schmit's declaration.

10:53:59 5 THE WITNESS: Just the functionality of the
6 slide, if they -- if the rider was getting off, up
7 and over. Physical -- physical testing.

8 Q. Understood. Is that something -- did you
9 have a facility that you did that testing at as you
10:54:22 10 were working through the development process?

11 MR. SCHATZ: Objection. Outside the scope
12 of Mr. Schmit's declaration.

13 THE WITNESS: Just my garage and later, you
14 know, having a prototype that we could actually
10:54:38 15 physically slide down that was set up outside. Other
16 than that, no.

17 BY MR. DEUTSCH:

18 Q. And as part of that field testing, you had
19 watched riders go down the slides and observe if they
10:54:54 20 launched off the end or not?

21 A. Correct. Trial and error.

22 Q. And then what would an error look like?

23 MR. SCHATZ: Object to form. Objection.
24 Outside the scope of Mr. Schmit's declaration.

10:55:24 25 THE WITNESS: Just a slider not getting off

1 the end of the slide, for instance, or not going far
2 enough, safety.

3 BY MR. DEUTSCH:

4 Q. And would you make changes based on those
10:55:39 5 observations?

6 MR. SCHATZ: Object to form. Objection.
7 Outside the scope of Mr. Schmit's declaration.

8 THE WITNESS: We would try.

9 BY MR. DEUTSCH:

10:55:52 10 Q. What -- what kind of -- well, let me -- let
11 me take a step back.

12 Well, how much time would be required to
13 set up a trial run?

14 MR. SCHATZ: Objection. Outside the scope
10:56:04 15 of Mr. Schmit's declaration?

16 THE WITNESS: That's -- I mean, it's --
17 that's hard to put a time amount on that.

18 BY MR. DEUTSCH:

19 Q. Separate from the time in terms of kind of
10:56:23 20 the qualitative steps involved, would you change the
21 composition of the slide surface coating?

22 MR. SCHATZ: Object to form. Objection.
23 Outside the scope of Mr. Schmit's declaration.

24 THE WITNESS: We would -- again, I've
10:56:38 25 played with hundreds of different materials over the

1 course of many years, both ride vehicle and slide.

2 BY MR. DEUTSCH:

3 Q. And so you would change the bottom of the
4 ride vehicle in some instances or change the coating
10:57:03 5 composition in some instances; is that correct?

6 MR. SCHATZ: Object to form. Objection.
7 Outside the scope of Mr. Schmit's declaration.

8 THE WITNESS: Correct. And with so many
9 variables, that's why it's hundreds of different
10:57:19 10 combinations.

11 BY MR. DEUTSCH:

12 Q. Am I understanding correctly that if you
13 changed one thing, that could affect one of the other
14 variables?

10:57:31 15 A. Absolutely.

16 Q. What are some of those variables?

17 MR. SCHATZ: Objection. Outside the scope
18 of Mr. Schmit's declaration.

19 THE WITNESS: There's -- there's just too
10:57:45 20 many to list. I mean, it goes -- obviously I'm
21 seeking out low coefficient of friction materials and
22 combining the two and experimenting and failing and
23 experimenting and failing and -- just kept going and
24 going.

25

1 BY MR. DEUTSCH:

2 Q. And so to arrive at the Launch Slide that
3 was eventually delivered to a Sky Zone location, you
4 relied only on that field testing process,
10:58:28 5 observations, trial and error, and at that point
6 didn't perform any coefficient of friction testing?

7 MR. SCHATZ: Object to form. Objection.
8 Outside the scope of Mr. Schmit's declaration.

9 THE WITNESS: To -- to my knowledge, no.

10:58:44 10 BY MR. DEUTSCH:

11 Q. Did you keep a lab notebook as you were
12 going through those trial and error experiments?

13 MR. SCHATZ: Objection. Outside the scope
14 of Mr. Schmit's declaration.

10:59:19 15 THE WITNESS: No. I mean, other than some
16 scratch pieces of paper, everything was pretty much
17 in my head.

18 BY MR. DEUTSCH:

19 Q. What -- what were -- let me -- let me
10:59:55 20 rephrase that, Mr. Schmit.

21 What were characteristics of the slide
22 surface that -- that you would track, even if only in
23 your head?

24 MR. SCHATZ: Objection. Outside the scope
11:00:14 25 of Mr. Schmit's declaration.

1 THE WITNESS: Can you be more specific?

2 BY MR. DEUTSCH:

3 Q. Yeah. I'm just trying to understand kind
4 of what the trial and error process looked like.

11:00:28 5 And so what are the types of things that
6 you would change if you felt like the performance of
7 the previous trial wasn't satisfactory?

8 MR. SCHATZ: Objection. Outside the scope
9 of Mr. Schmit's declaration.

11:00:41 10 THE WITNESS: I would literally just be
11 ordering samples of all sorts of different materials
12 and, you know, doing small -- like in the garage
13 tests with them to see if they were suitable to
14 actually try on, you know, an actual slide surface
11:01:01 15 itself.

16 And, again, it was just a matter of just
17 hundreds of different materials, trial and error,
18 both in my garage tests and on the actual slide test
19 itself. There's too many to list.

11:01:27 20 BY MR. DEUTSCH:

21 Q. Understood.

22 How would you manufacture the slide
23 surface?

24 MR. SCHATZ: Objection. Outside the scope
11:01:38 25 of Mr. Schmit's declaration, and object to form.

1 THE WITNESS: We have a vendor that makes
2 the substrate from fiberglass.

3 BY MR. DEUTSCH:

4 Q. And so when you were doing that -- that
11:01:55 5 testing, did they apply the slide coating, or did
6 they provide the bare fiberglass substrate of the
7 slide and you prepared and applied the slide surface?

8 MR. SCHATZ: Objection. Outside the scope
9 of Mr. Schmit's declaration.

11:02:17 10 THE WITNESS: That's -- that's correct
11 because of so many different trials, we generally
12 would either overapply or reapply or strip down. So,
13 yeah, we just had a fiberglass substrate that we
14 worked from.

11:02:35 15 BY MR. DEUTSCH:

16 Q. I imagine that was fairly time consuming?

17 A. Years.

18 Q. Even -- even an individual application of
19 the slide surface to either strip -- strip off the
11:02:49 20 previous surface and put on a new one or apply it
21 over the top -- how long would one iteration take,
22 for example?

23 MR. SCHATZ: Objection. Outside the scope
24 of Mr. Schmit's declaration.

11:03:01 25 THE WITNESS: It would depend on so many

1 different factors. Hours or sometimes weeks.

2 BY MR. DEUTSCH:

3 Q. Would you strip the surface between tests,
4 typically?

11:03:16 5 MR. SCHATZ: Objection. Outside the scope
6 of Mr. Schmit's declaration.

7 THE WITNESS: Depending on all sorts of
8 factors, yes.

9 BY MR. DEUTSCH:

11:03:41 10 Q. And I -- I'm understanding that when you
11 achieve the slide surface that performed in a way
12 that you were happy with that that coefficient of
13 friction was lower than what you were seeing from
14 typical dry slides; is that right?

11:04:01 15 MR. SCHATZ: Object to form. Objection.
16 Outside the scope of Mr. Schmit's declaration.

17 THE WITNESS: Yes. That was the goal.

18 BY MR. DEUTSCH:

19 Q. Did you measure slide speeds during this
11:04:24 20 trial and error process?

21 MR. SCHATZ: Object to form. Objection.
22 Outside the scope of Mr. Schmit's declaration.

23 THE WITNESS: The best that we could.
24 Generally it would be based on the distance that they
11:04:41 25 came off the slide, and we were able to derive the

1 speed because of that.

2 BY MR. DEUTSCH:

3 Q. Was that one of the things that you
4 captured in your written records, or is that
11:05:13 5 something that you maintained in your head as you
6 were going through this process?

7 MR. SCHATZ: Object to form. Objection.
8 Outside the scope of Mr. Schmit's declaration.

9 THE WITNESS: Generally, again, I might
11:05:31 10 have some scratch pieces of papers that I took some
11 notes on; but for the most part, we usually had it,
12 like, in our engineering software.

13 BY MR. DEUTSCH:

14 Q. What engineering software did you use? And
15 it --

16 A. That -- I'm sorry.

17 Q. I'm sorry to interrupt. Go ahead.

18 A. We used SolidWorks.

19 Q. When did you begin using SolidWorks in your
11:06:00 20 development process?

21 MR. SCHATZ: Object to form.

22 THE WITNESS: At the very early stages.
23 That's how we engineered the substrate, the tower
24 structure.

25 ///

1 BY MR. DEUTSCH:

2 Q. So throughout the entire trial and error
3 process, you are talking about using SolidWorks?

4 MR. SCHATZ: Object to form. Objection.
5 Outside the scope of Mr. Schmit's declaration.

6 THE WITNESS: For -- yeah, in order to
7 create the slide itself, the tower system that
8 supports it, that is absolutely necessary for
9 something of that nature.

10 BY MR. DEUTSCH:

11 Q. And when you say "necessary for something
12 of that nature" -- I can restart.

13 When you say "necessary," do you mean
14 necessary to determine how to support the slide
15 itself?

16 A. Yes, structural analysis.

17 Q. What all is included in the tower system?

18 MR. SCHATZ: Objection. Outside the scope
19 of Mr. Schmit's declaration.

20 THE WITNESS: That's a very general
21 question. If you can be more specific, please.

22 BY MR. DEUTSCH:

23 Q. When you say "tower system," do you mean
24 the physical supports beneath the slide, for example?

25 A. Generally, when I say "tower system," I

1 mean the commercial -- would be classified as a
2 commercial playground, which is what gets the slider
3 up to the top of -- to the entrance of the slide, for
4 instance.

11:08:18 5 Q. Going back to your use of SolidWorks in the
6 development of the slide surface itself, what would
7 you record in SolidWorks?

8 MR. SCHATZ: Objection. Outside the scope
9 of Mr. Schmit's declaration.

11:08:32 10 THE WITNESS: I'm sorry. I never said that
11 we developed a slide surface itself in CAD. I said
12 that's -- that's where we designed the substrate, the
13 slide itself, the fiberglass -- the actual structure.
14 BY MR. DEUTSCH:

11:08:45 15 Q. Okay. I'm sorry. And so you designed the
16 substrate, the actual structure of the slide, and
17 that was provided by a manufacturer of fiberglass
18 slides; is that correct?

19 A. Correct.

11:09:09 20 Q. And then after receiving that fiberglass
21 slide, you began the trial and error process of
22 applying coating compositions to that slide surface?

23 A. That's correct.

11:09:27 24 Q. And at that point in the process, did you
25 use SolidWorks for any of that trial and error

1 analysis?

2 A. Yes.

3 Q. What did you use SolidWorks for?

4 MR. SCHATZ: Objection. Outside the scope
11:09:45 5 of Mr. Schmit's declaration.

6 THE WITNESS: There's a plug-in called
7 Xpress motion analysis, which works with SolidWorks
8 to model a ride path, and that's how we develop our
9 slides so we can ensure their safety and know with
11:10:16 10 pretty great precision what kind of reaction we're
11 going to get for, let's say, like 150-pound rider.
12 It's very -- it's very common in the water slide
13 space.

14 BY MR. DEUTSCH:

11:10:42 15 Q. And is that something you did in parallel
16 with the trial and error on the coating composition?

17 MR. SCHATZ: Objection. Outside the scope
18 of Mr. Schmit's declaration.

19 THE WITNESS: Yes.

20 BY MR. DEUTSCH:

21 Q. Would you say that in your development
22 process, you perfected the slide surface first and
23 then the ride vehicle; or were those perfected into
24 something for commercial delivery around the same
11:11:17 25 time?

1 MR. SCHATZ: Object to form. Objection.
2 Outside the scope of Mr. Schmit's declaration.

3 THE WITNESS: It was -- nothing was
4 perfected. It was a constant trial and error for
5 many years. It was a very long evolution.

6 BY MR. DEUTSCH:

7 Q. The coefficient of friction would depend on
8 both, correct? Or let me rephrase that. The
9 coefficient -- I can be even more specific,
10 Mr. Schmit.

11 The kinetic coefficient of friction between
12 the ride vehicle and the slide surface would depend
13 on the characteristics of both, correct?

14 MR. SCHATZ: Object to form. Objection.
15 Outside the scope of Mr. Schmit's declaration.

16 THE WITNESS: Yes. There's, again, so many
17 different variables that would affect it either way.

18 BY MR. DEUTSCH:

19 Q. So you'd expect if the ride vehicle that
20 you developed was used on a prior playground slide,
21 the coefficient of friction between the ride vehicle
22 and that slide would be higher than what you
23 developed with your dry lubricated slide surface,
24 correct?

25 MR. SCHATZ: Object to form. Objection.

1 Outside the scope of Mr. Schmit's declaration.

2 THE WITNESS: I wouldn't be able to comment
3 on that.

4 BY MR. DEUTSCH:

11:13:14 5 Q. Why is that?

6 A. I don't know.

7 Q. I guess I can ask a more specific question.

8 Does a nylon mesh ride vehicle always
9 result in a low coefficient of friction with a slide
11:14:21 10 surface, or would it also depend on the
11 characteristics of the slide surface?

12 MR. SCHATZ: Object to form. Objection.
13 Outside the scope of Mr. Schmit's declaration.

14 THE WITNESS: Again, I go back to: I
11:14:36 15 wouldn't be able to comment on that. I'm not an
16 expert, and there's just -- again, there's so many
17 variables that come into play when you're dealing
18 with different materials.

19 BY MR. DEUTSCH:

11:15:11 20 Q. So if you used a ride vehicle on a slide
21 surface that was not lubricated and you also tested
22 it on a slide surface that included your dry
23 lubricated coating composition, which one would you
24 expect to have a lower coefficient of friction?

11:15:36 25 MR. SCHATZ: Object to form. Objection.

1 Outside the scope of Mr. Schmit's declaration.

2 THE WITNESS: I've never tested it on
3 anything other than our system, so I can't answer to
4 that.

11:15:59 5 BY MR. DEUTSCH:

6 Q. So you're not sure if your dry lubricated
7 slide surface resulted in a lower coefficient of
8 friction than typical slide systems?

9 MR. SCHATZ: Objection. Outside the scope
11:16:11 10 of Mr. Schmit's declaration.

11 THE WITNESS: I -- I believe it does.
12 That's what's given us the success that we've had.

13 BY MR. DEUTSCH:

14 Q. I'd like to turn back to the development of
11:17:19 15 the coating composition that you were describing a
16 few minutes ago.

17 Where -- where did you obtain the chemicals
18 that you used for creating the slide surface?

19 MR. SCHATZ: Objection. Outside the scope
11:17:40 20 of Mr. Schmit's declaration.

21 THE WITNESS: Gosh, where didn't I?
22 Existing products, creating our own, the list goes
23 on. Again, hundreds over the course of years.

24 BY MR. DEUTSCH:

11:17:56 25 Q. Did you do any -- are there any that you

1 recall specifically? I won't ask you to list all
2 hundreds of them, of course.

3 MR. SCHATZ: Objection. Outside the scope
4 of Mr. Schmit's declaration.

11:18:11 5 THE WITNESS: I mean, just -- I guess,
6 high-level basic low-friction materials such as PTFE
7 or silicone, magnesium, nickel. The list goes on and
8 on. Just general materials to experiment with.

9 Again, you -- so many variables. There's
11:18:36 10 things that go wrong, like temperature, velocity,
11 wear and abrasion. Just -- there -- there's so
12 many -- there's so much room for error that it
13 just -- it takes a lot when you start going down the
14 material science's rabbit hole.

11:18:58 15 BY MR. DEUTSCH:

16 Q. And those variables, you've mentioned
17 temperature.

18 Are you referring to the temperature of the
19 slide when it's being used by a rider, or are you
11:19:09 20 referring to the temperature of the preparation of
21 the coating composition? What are you referring to
22 when you talk about temperature?

23 A. All of the above; but primarily, yeah,
24 there's melting points for everything. So when you
11:19:26 25 have got a lot of friction, you know, a sliding

1 motion, there's going to be reactions that take
2 place. So it -- yeah, it's -- again, these just --
3 the variables. It doesn't -- it seems very
4 rudimentary, but it's far -- it's the farthest thing
5 from it.

6 Q. You mentioned high-level, basic
7 low-friction material such as PTFE or silicone.

8 Why did you consider those materials?

9 MR. SCHATZ: Objection. Outside the scope
10 of Mr. Schmit's declaration.

11 THE WITNESS: Just based on research.

12 BY MR. DEUTSCH:

13 Q. And what did the research tell you about
14 those materials that led you to consider them?

15 MR. SCHATZ: Object to form. Objection.
16 Outside the scope of Mr. Schmit's declaration.

17 THE WITNESS: Again, hundreds of materials.
18 Those are just ones that specifically popped to the
19 top of my head when you mentioned that. But there's
20 obviously -- you know, with minimal research, you can
21 find what tends to be lower friction and what doesn't
22 from a material science standpoint.

23 BY MR. DEUTSCH:

24 Q. And so if I'm understanding correctly what
25 you're saying -- correct me if this is wrong --

1 the -- you looked into materials like PTFE and
2 silicone, which were generally known to be
3 low-friction materials at the time?

4 MR. SCHATZ: Objection. Outside the scope
5 of Mr. Schmit's declaration.

6 THE WITNESS: I looked at, again, hundreds
7 of materials. Probably upwards of 3- to 500
8 different materials and different material
9 combinations over the course of many years.

10 BY MR. DEUTSCH:

11 Q. And when you say "looked at," you -- do you
12 prepare coating compositions that had 300 to 500
13 different materials?

14 A. Experimented over the course of many years
15 with many different combinations of many different
16 types of materials.

17 Q. And at the start of this process, when you
18 went from water slides to dry slides, was it you
19 working solo or were there others as well at that
20 point?

21 MR. SCHATZ: Objection. Outside the scope
22 of Mr. Schmit's declaration.

23 THE WITNESS: Primarily solo. We did have
24 an engineer that we had contracted that did most of
25 the substrate. So they helped develop the actual

1 slide surface and the tower system and stuff like
2 that. But other than that, it was me in my garage.

3 BY MR. DEUTSCH:

4 Q. Just to make sure I understand -- so you
11:23:06 5 said, "they helped develop the actual slide surface."

6 You're talking about the fiberglass slide
7 surface and not the lubricated coating composition;
8 is that right?

9 MR. SCHATZ: Object to form. Objection.

11:23:21 10 Outside the scope of Mr. Schmit's declaration.

11 THE WITNESS: Correct.

12 BY MR. DEUTSCH:

13 Q. And just to be clear, when you say "we,"
14 who are you referring to?

11:23:31 15 A. My -- my wife, Serena Schmit, and I are the
16 founders and developers of this product.

17 Q. Okay. And so Serena was involved at that
18 early stage as well when you were transitioning from
19 water slides to a development of a dry slide; is that
11:23:59 20 correct?

21 A. Yes. She's a designer and proficient in
22 CAD, or SolidWorks.

23 Q. What kind of a designer is she?

24 A. She does -- she's got a very long history
11:24:14 25 of very high-level corporate design for Johnson &

1 Johnson, SMART, Est e Lauder, doing space planning.
2 So she's very capable of those -- the software that
3 we use to design the product initially.

4 Q. Was there a -- let me rephrase that.

5 Would you describe your role and Serena's
6 role as focused on different areas?

7 MR. SCHATZ: Objection. Outside the scope
8 of Mr. Schmit's declaration.

9 THE WITNESS: Due to my inability to do CAD
10 in some of the software, Serena filled back that
11 deficiency.

12 BY MR. DEUTSCH:

13 Q. Did the shape of the Launch Slide change at
14 all through collaboration with Serena?

15 MR. SCHATZ: Objection. Outside the scope
16 of Mr. Schmit's declaration.

17 THE WITNESS: Yeah, it -- it evolved many,
18 many times over many, many years.

19 BY MR. DEUTSCH:

20 Q. What do you mean by "evolved"? How did it
21 change?

22 A. Just the geometry, I guess. Like the
23 shape, the -- the length, the width, the pitch, the
24 slope, the entrance. I mean, if you really dive into
25 details, it constantly evolves up to, you know, we

1 kind of found that -- that right geometry.

2 Q. Okay. And when you say "the entrance," do
3 you mean the hood that goes over the top -- very top
4 portion?

11:26:42 5 A. That -- that's one of so many different
6 details.

7 MR. SCHATZ: Craig, by all means, you know,
8 continue with -- and finish your line of questioning;
9 but when we have a chance to take a break, that would
11:26:58 10 be great.

11 MR. DEUTSCH: Yeah. Thank you for raising
12 that.

13 Let's -- let's -- I have just a few
14 questions here, if we can keep going. Let me know if
11:27:06 15 you need a break now; otherwise, there's just a few
16 things I'll keep going with and --

17 MR. SCHATZ: No. By all means, Craig,
18 finish your line of questioning.

19 BY MR. DEUTSCH:

11:27:14 20 Q. So let's -- let's go back briefly to the
21 coating composition materials, and you were talking
22 about the many materials that you had considered and
23 tested and looked at over a period of years.

24 What sources did you look to when
11:27:38 25 identifying potential materials to consider further?

1 MR. SCHATZ: Objection. Outside the scope
2 of Mr. Schmit's declaration.

3 THE WITNESS: The internet.

4 BY MR. DEUTSCH:

11:27:51 5 Q. Is there anything more specific, you
6 know --

7 A. I can't think of anything off the top of my
8 head. I mean, other than years of 4 a.m., over
9 coffee, reading anything I could get my hands on.

11:28:04 10 Q. And I imagine that would have included both
11 sources that were within the recreational industry
12 and sources outside; is that correct?

13 A. Generally, just material science. Anything
14 I can get my hands on. It's an endless -- the
11:28:25 15 internet is an endless rabbit hole when it comes to
16 that, so...

17 Q. Did you do any baseline testing on the
18 fiberglass slide that you received uncoated with the
19 coating composition?

11:28:55 20 MR. SCHATZ: Objection. Outside the scope
21 of Mr. Schmit's declaration.

22 THE WITNESS: Not to my knowledge. I knew
23 we needed -- in order to achieve a low coefficient of
24 friction, I knew we needed something special.

11:29:37 25 MR. DEUTSCH: Let's go ahead -- we can take

1 a break now. We can take as long as you need. I'm
2 fine if we give it 15 minutes, which puts us at 9:45.

3 MR. SCHATZ: Actually, you know, Craig, we
4 do have flights. They are late for us, so we've got
11:29:53 5 some time; but I don't want to spend too much time on
6 breaks in the chance of missing flights. So if we
7 could just do ten, that would be great.

8 MR. DEUTSCH: Sure. Yeah, let's do ten.

9 MR. SCHATZ: Okay. Thanks, Craig.

11:30:05 10 MR. DEUTSCH: Yep.

11 THE VIDEOGRAPHER: Going off the record at
12 11:30 a.m.

13 (Recess.)

14 THE VIDEOGRAPHER: Back on the record at
11:43:09 15 11:43 a.m.

16 BY MR. DEUTSCH:

17 Q. Thank you. Welcome back, Mr. Schmit.

18 A. Thank you.

19 Q. So we were talking about your development
11:43:25 20 process in the timeframe after you made the
21 transition from water slides and before delivering
22 the first Launch Slide commercially to Sky Zone. We
23 were talking quite a bit about the coating
24 composition of the slide. I wanted to talk a little
11:43:47 25 bit about the ride vehicle.

1 Could you tell me about the process of
2 developing the ride vehicle?

3 MR. SCHATZ: Object to form. Objection.
4 Outside the scope of Mr. Schmit's declaration.

11:44:05 5 THE WITNESS: Similar to the coating, just,
6 you know, material science and experimentation and
7 failure.

8 BY MR. DEUTSCH:

9 Q. Were there any -- excuse me, were there any
11:44:20 10 ride vehicles that you used as a starting point?

11 MR. SCHATZ: Objection. Outside the --
12 sorry, Craig. Are you finished, Craig? I apologize.

13 MR. DEUTSCH: I am.

14 MR. SCHATZ: Okay. Objection. Outside the
11:44:44 15 scope of Mr. Schmit's declaration.

16 THE WITNESS: Nothing -- nothing -- like,
17 are you referring to an existing product or
18 something?

19 BY MR. DEUTSCH:

11:44:50 20 Q. Yeah, and I can be more specific. At that
21 time were there ride vehicles that you were aware of
22 in recreational slide systems?

23 A. No.

24 Q. And when you began to research it, did you
11:45:03 25 come across any ride vehicles for recreational slide

1 systems?

2 MR. SCHATZ: Objection. Outside the scope
3 of Mr. Schmit's declaration.

4 THE WITNESS: I did not.

11:45:20 5 BY MR. DEUTSCH:

6 Q. So you didn't consider ride vehicles that
7 were in use with other slides during your -- your
8 process?

9 MR. SCHATZ: Objection. Outside the scope
11:45:29 10 of Mr. Schmit's declaration.

11 THE WITNESS: I didn't, nor was I aware of
12 any.

13 BY MR. DEUTSCH:

14 Q. When did you first become aware of -- of
11:45:38 15 ride vehicles that were used with prior recreational
16 slide systems?

17 MR. SCHATZ: Objection. Outside the scope
18 of Mr. Schmit's declaration. Objection. Form.

19 THE WITNESS: I didn't.

11:46:01 20 BY MR. DEUTSCH:

21 Q. So you're not aware of any other ride
22 vehicles that were used prior to the 2020 timeframe?

23 MR. SCHATZ: Objection. Asked and
24 answered. Objection. Outside the scope of Mr.
11:46:13 25 Schmit's declaration.

1 THE WITNESS: I was not.

2 BY MR. DEUTSCH:

3 Q. Today are you aware of any other ride
4 vehicles that were used prior to the 2020 timeframe?

11:46:36 5 MR. SCHATZ: Objection. Outside the scope
6 of Mr. Schmit's declaration.

7 THE WITNESS: I believe I've answered that
8 a couple times now. No, I was not.

9 BY MR. DEUTSCH:

11:46:49 10 Q. So going back to the materials that you
11 tested, do you recall some of the early materials
12 that you considered?

13 MR. SCHATZ: Object to form. Objection.
14 Outside the scope of Mr. Schmit's declaration.

11:47:10 15 THE WITNESS: No. Again, hundreds of
16 variables and different materials over the course of
17 many years.

18 MR. DEUTSCH: Do you have a sense of how
19 many materials you tried?

11:47:27 20 MR. SCHATZ: Objection. Outside the scope
21 of Mr. Schmit's declaration.

22 THE WITNESS: I do not. It was probably
23 well into the hundreds.

24 BY MR. DEUTSCH:

11:47:41 25 Q. And you're referring to materials that you

1 actually tested on a slide?

2 MR. SCHATZ: Objection. Outside the scope
3 of Mr. Schmit's declaration.

4 THE WITNESS: Correct.

11:47:53 5 BY MR. DEUTSCH:

6 Q. And was that testing performed on the
7 experimental coatings, or was this something that was
8 done separately in parallel with your analysis of
9 coating compositions?

11:48:12 10 MR. SCHATZ: Object to form. Objection.
11 Outside the scope of Mr. Schmit's declaration.

12 THE WITNESS: It was a combination of
13 testing, anything and everything.

14 BY MR. DEUTSCH:

11:48:26 15 Q. Would the result of one test -- here, let
16 me rephrase that.

17 Would you consider the results of a prior
18 test when you were selecting the next material to
19 try?

11:48:41 20 MR. SCHATZ: Objection to form. Objection.
21 Outside the scope of Mr. Schmit's declaration.

22 THE WITNESS: Can -- can you repeat that,
23 please?

24 BY MR. DEUTSCH:

11:48:55 25 Q. I'm just trying to understand the process

1 that -- that you went through. And I'm wondering if
2 it was -- you know, you mentioned hundreds of
3 materials. If you just tested those and found one
4 that was the best or if, you know, after testing the
11:49:10 5 first material that informed you a certain category
6 of materials was likely preferred, and then you
7 focused on that category of materials?

8 MR. SCHATZ: Object to form. Objection.
9 Outside the scope of Mr. Schmit's declaration.

11:49:24 10 THE WITNESS: Generally, I would just test
11 materials, and if they didn't work, I would move on
12 to the next.

13 BY MR. DEUTSCH:

14 Q. And how would you determine the next
11:49:37 15 material?

16 MR. SCHATZ: Object to form. Objection.
17 Outside the scope of Mr. Schmit's declaration.

18 THE WITNESS: There was nothing that was --
19 that made -- that determined whether to try or not.
11:49:49 20 I would just, you know -- during research and
21 development, it's just trial and error. It's test
22 anything and everything and move on.

23 BY MR. DEUTSCH:

24 Q. And -- and what did the test setup look
11:50:03 25 like that you're referring to?

1 MR. SCHATZ: Objection. Outside the scope
2 of Mr. Schmit's declaration.

3 THE WITNESS: We'd generally test, like,
4 some sample testings in my garage. If they showed
11:50:19 5 signs of success, I would move them to more of a
6 field test on an actual slide itself.

7 BY MR. DEUTSCH:

8 Q. And so what did that sample testings in
9 your garage look like? How did you perform those
11:50:35 10 tests?

11 MR. SCHATZ: Objection. Outside the scope
12 of Mr. Schmit's declaration.

13 THE WITNESS: Just samples of surface and
14 ride vehicle materials, combinations of the two, all
11:50:53 15 of the different variables that could potentially --
16 I guess, little samples -- literally -- literally
17 like 2-foot-by-1-foot samples of materials that were
18 sliding against one another. If it showed signs that
19 it was positive, it would graduate to what I would
11:51:25 20 call a field test, which would be the slide.

21 BY MR. DEUTSCH:

22 Q. And was that just a field test you would
23 rub the materials against each other and see if they
24 had qualities in your mind of low friction?

11:51:48 25 A. For -- correct.

1 MR. SCHATZ: Objection. Outside the scope
2 of Mr. Schmit's declaration. Sorry, Gary.

3 BY MR. DEUTSCH:

4 Q. Okay. And so you didn't -- you didn't have
11:52:08 5 a coefficient of friction testing equipment for those
6 tests?

7 MR. SCHATZ: Objection. Outside the scope
8 of Mr. Schmit's declaration.

9 THE WITNESS: I did -- I did not.

11:52:19 10 BY MR. DEUTSCH:

11 Q. And you didn't arrive at a numeric
12 coefficient of friction value in those tests?

13 MR. SCHATZ: Objection. Outside the scope
14 of Mr. Schmit's declaration.

11:52:29 15 THE WITNESS: No.

16 BY MR. DEUTSCH:

17 Q. And so if your evaluation was positive,
18 then you would take a larger piece of the material
19 and construct a ride vehicle?

11:52:44 20 MR. SCHATZ: Objection. Outside the scope
21 of Mr. Schmit's declaration.

22 THE WITNESS: Yes, that's correct.

23 BY MR. DEUTSCH:

24 Q. Going back to the materials that you looked
11:53:15 25 at, I understand they have a variety of compositions.

1 Do they also vary in construction?

2 MR. SCHATZ: Objection to form. Objection.
3 Outside the scope of Mr. Schmit's declaration.

4 THE WITNESS: It's -- it's evolved over
5 many, many years.

6 BY MR. DEUTSCH:

7 Q. I'm just talking about the process of
8 development in the timeframe leading up to that first
9 commercial Launch Slide.

10 MR. SCHATZ: Object to form. Objection.
11 Outside the scope of Mr. Schmit's declaration.

12 THE WITNESS: I'm sorry, can you be more
13 specific? You mentioned to the development -- are or
14 up to the -- can you rephrase that and please ask it
15 again.

16 BY MR. DEUTSCH:

17 Q. Yeah, and I can -- I can ask a different
18 question that might be more clear.

19 When you say it's evolved over many years,
20 how has it evolved?

21 MR. SCHATZ: Object to form. Objection.
22 Outside the scope of Mr. Schmit's declaration.

23 THE WITNESS: You asked about the
24 construction of the ride vehicle.

25 And my answer was: It has evolved over

1 many, many years specific to the construction of the
2 said ride vehicle.

3 BY MR. DEUTSCH:

4 Q. And so if we look over the period of years,
11:54:53 5 when you started looking at dry slides and the first
6 Launch Slide installation, how did the construction
7 evolve of the ride vehicle?

8 MR. SCHATZ: Object to form. Objection.
9 Outside the scope of Mr. Schmit's declaration.

11:55:13 10 Objection. Asked and answered.

11 THE WITNESS: Back to my previous answer,
12 it's -- you know, the construction of it involves
13 many, many details that are possibly evolving even to
14 this day.

11:55:30 15 BY MR. DEUTSCH:

16 Q. Did the bottom of the ride vehicle evolve
17 during that time period?

18 MR. SCHATZ: Object to form. Objection.
19 Outside the scope of Mr. Schmit's declaration.

11:55:42 20 THE WITNESS: Yes.

21 BY MR. DEUTSCH:

22 Q. How did the bottom of the ride vehicle
23 evolve during that time period?

24 MR. SCHATZ: Objection. Outside the scope
11:55:50 25 of Mr. Schmit's declaration.

1 THE WITNESS: Again, back to my previous
2 answers, hundreds of different materials over very
3 long periods of time. You're asking about a specific
4 time period. I can't recall exactly.

11:56:23 5 BY MR. DEUTSCH:

6 Q. Do you recall any materials that you
7 considered for the bottom of the ride vehicle?

8 MR. SCHATZ: Objection. Outside the scope
9 of Mr. Schmit's declaration.

11:56:32 10 THE WITNESS: Nothing specific. Just due
11 to the wide variety of them.

12 BY MR. DEUTSCH:

13 Q. When you were at the point of testing the
14 ride vehicle on the dry lubricated slide surface, did
11:57:03 15 you find that the slide surface impacted different
16 ride vehicles in different ways?

17 MR. SCHATZ: Object to form. Objection.
18 Outside the scope of Mr. Schmit's declaration.

19 THE WITNESS: Yes.

11:57:29 20 BY MR. DEUTSCH:

21 Q. And so you had to pair a ride vehicle that
22 performed well with the dry lubricated slide surface
23 that you were using?

24 MR. SCHATZ: Object to form. Objection.
11:57:45 25 Outside the scope of Mr. Schmit's declaration.

1 THE WITNESS: That was the goal. Yes.

2 BY MR. DEUTSCH:

3 Q. Did the material on the bottom of certain
4 ride vehicles work better with some slide surfaces
11:58:05 5 than others?

6 MR. SCHATZ: Objection. Outside the scope
7 of Mr. Schmit's declaration.

8 THE WITNESS: Yes. This -- again, so many
9 variables.

11:58:24 10 BY MR. DEUTSCH:

11 Q. And so some ride vehicle materials that you
12 thought were promising turned out not to be a good
13 fit with certain compositions of the dry lubricated
14 slide surface; is that correct?

11:58:45 15 MR. SCHATZ: Objection. Outside the scope
16 of Mr. Schmit's declaration.

17 THE WITNESS: That -- that's correct. Yes.

18 BY MR. DEUTSCH:

19 Q. You mentioned variables in this process a
11:59:01 20 few times.

21 Can you tell me more about the types of
22 variables that informed your material selection?

23 MR. SCHATZ: Objection. Asked and
24 answered. Objection. Outside the scope of Mr.
11:59:15 25 Schmit's declaration.

1 THE WITNESS: This is -- again, as I've
2 mentioned before, there's just so many combinations
3 of -- and factors that come into play when you're
4 experimenting and trial and error.

11:59:35 5 So if -- it -- it's -- it's -- it's too
6 difficult to be specific because of the amount of
7 variables.

8 BY MR. DEUTSCH:

9 Q. And I'm just asking what those -- what some
11:59:52 10 of those variables were that you were designing
11 against.

12 MR. SCHATZ: Objection. Asked and
13 answered. Objection. Outside the scope of Mr.
14 Schmit's declaration.

12:00:05 15 THE WITNESS: Combination of so many
16 different materials.

17 BY MR. DEUTSCH:

18 Q. Do you recall any examples where a test
19 didn't play out as expected?

12:00:25 20 MR. SCHATZ: Objection. Outside the scope
21 of Mr. Schmit's declaration.

22 THE WITNESS: All of them except for the
23 one that's in our patent.

24 BY MR. DEUTSCH:

12:00:59 25 Q. And so when you got to that point and --

1 you felt like you were ready for a commercial launch
2 of the product; is that right?

3 MR. SCHATZ: Object to form. Objection.
4 Outside the scope of Mr. Schmit's declaration.

12:01:18 5 THE WITNESS: Can you repeat that, please?

6 BY MR. DEUTSCH:

7 Q. Yeah. So at a certain point, you decided
8 to transition from testing to offering a product
9 commercially, which then initially was sold to a Sky
10 Zone location, correct?

11 MR. SCHATZ: Objection. Outside the scope
12 of Mr. Schmit's declaration.

13 THE WITNESS: Correct.

14 BY MR. DEUTSCH:

12:02:31 15 Q. Do you recall the material on the ride
16 vehicle bottom at that point?

17 MR. SCHATZ: Objection. Outside the scope
18 of Mr. Schmit's declaration.

19 THE WITNESS: I -- I do not. Not that
12:02:41 20 specific one, no.

21 BY MR. DEUTSCH:

22 Q. And what about the performance informed you
23 that it was ready for installation in a commercial
24 venue?

12:03:06 25 MR. SCHATZ: Objection. Outside the scope

1 of Mr. Schmit's declaration.

2 THE WITNESS: It was good enough, I guess
3 you can say.

4 BY MR. DEUTSCH:

12:03:32 5 Q. Good enough in what way?

6 MR. SCHATZ: Objection. Outside the scope
7 of Mr. Schmit's declaration.

8 THE WITNESS: It performed enough to what
9 we believed at the time was ready to commercial
12:03:47 10 market.

11 BY MR. DEUTSCH:

12 Q. And did that prove to be the case in terms
13 of the feedback that you received on that slide from
14 riders?

12:04:21 15 MR. SCHATZ: Object to form. Assumes facts
16 not in evidence. Objection. Outside the scope of
17 Mr. Schmit's declaration.

18 THE WITNESS: Again, it was good enough in
19 our opinion at the time to go to market; but there
12:04:39 20 was still room for improvement, in our -- in my
21 opinion.

22 BY MR. DEUTSCH:

23 Q. Did you receive feedback from riders of
24 that slide?

12:05:01 25 MR. SCHATZ: Object to form. Objection.

1 Outside the scope of Mr. Schmit's declaration.

2 THE WITNESS: We've been very successful
3 since the beginning of this product, so...

4 BY MR. DEUTSCH:

12:05:19 5 Q. Understood.

6 So am I understanding you correctly that
7 the feedback was so positive that you sold additional
8 sales -- or, excuse me, additional slides to Sky Zone
9 after that?

12:06:01 10 MR. SCHATZ: Object to form.

11 BY MR. DEUTSCH:

12 Q. I can ask a more specific question, if
13 helpful, Mr. Schmit.

14 So you said you've been successful since
12:06:19 15 the beginning of this product, and I understand that
16 you had a continued relationship with those involved
17 at Sky Zone after that initial product was installed;
18 is that correct?

19 MR. SCHATZ: Objection. Outside the scope
12:06:40 20 of Mr. Schmit's declaration.

21 THE WITNESS: Yes. Yeah, we've -- we've
22 sold many slides to Sky Zone over the years. So,
23 yeah, the feedback has been positive.

24 BY MR. DEUTSCH:

12:06:58 25 Q. And has that consistently been the case

1 since your launch?

2 A. Yeah. It's been pretty consistent, so
3 yeah.

4 Q. What do you think was behind that positive
12:08:12 5 feedback to the initial Launch Slide?

6 A. I just think the unique nature and
7 innovation that the product brought.

8 Q. And was that reflected in the feedback from
9 riders?

12:08:40 10 A. Yeah, I think obviously the continued sales
11 of the product reflects that.

12 Q. Was it related to the coefficient of
13 friction between the ride vehicle and the slide
14 surface, in your opinion?

12:08:59 15 A. Absolutely. It wouldn't work without it.

16 Q. And did you do any -- let me rephrase that.

17 The -- I think you mentioned that you
18 hadn't done numeric coefficient of friction testing
19 on that initial Launch Slide; is that correct, at
12:09:35 20 that point in time?

21 A. To my knowledge, at that -- I don't know
22 what time you're referring to, but I can't recall.

23 Q. Is it your sense that -- well, I can
24 clarify it, that I'm just referring to that initial
12:10:02 25 Launch Slide that you were referring to.

1 MR. SCHATZ: Object to form.

2 THE WITNESS: Not that I recall.

3 BY MR. DEUTSCH:

4 Q. Do you have a sense if it was lower or
12:10:23 5 higher or about the same compared to recreational
6 slides that do not have a lubricated coating?

7 MR. SCHATZ: Object to form. Objection.
8 Outside the scope of Mr. Schmit's declaration.

9 THE WITNESS: I don't know if I'm -- I'm
12:10:47 10 not qualified to answer that.

11 BY MR. DEUTSCH:

12 Q. So, Mr. Schmit, going back to the, again,
13 coating composition of the slide, your initial Launch
14 Slide, and the characteristics of the ride vehicle, I
12:13:08 15 just have a few more questions about that.

16 Am I understanding correctly that you don't
17 recall the material components that went into the
18 coating composition of the initial slide at Sky Zone?

19 MR. SCHATZ: Object to form. And
12:13:28 20 objection. Outside the scope of Mr. Schmit's
21 declaration.

22 THE WITNESS: I couldn't answer that.

23 BY MR. DEUTSCH:

24 Q. Is that slide still in use?

12:13:47 25 A. At this -- I couldn't answer that either.

1 Q. How about for the ride vehicle bottom; do
2 you have a recollection of the type of material that
3 was used?

4 MR. SCHATZ: Objection. Outside the scope
5 of Mr. Schmit's declaration.

6 THE WITNESS: I don't. It's -- it's
7 evolved.

8 BY MR. DEUTSCH:

9 Q. Do you recall if it was woven?

10 MR. SCHATZ: Objection. Outside the scope
11 of Mr. Schmit's declaration.

12 THE WITNESS: I don't recall if those were
13 at that time.

14 BY MR. DEUTSCH:

15 Q. So you mentioned, Mr. Schmit, that you did
16 a large amount of research and testing on, I think,
17 hundreds of materials, you said.

18 Is it your opinion that you don't remember
19 the material that turned out to be the one you were
20 confident enough to put in the product for delivery
21 to a customer?

22 MR. SCHATZ: Object to form. Objection.
23 Outside the scope of Mr. Schmit's declaration.

24 THE WITNESS: I don't.

25

1 BY MR. DEUTSCH:

2 Q. You mentioned that you and your wife were
3 involved in the design process leading up to that
4 launch.

12:16:13 5 Was anyone else involved in the process
6 with respect to the design of the slide surface or
7 the ride vehicle --

8 A. No.

9 Q. -- prior to delivery to Sky Zone?

12:16:33 10 A. No.

11 Q. Let's look at paragraph 4 briefly of your
12 declaration.

13 A. Same page?

14 Q. Still on page 4.

12:17:52 15 A. Okay.

16 Q. And you talk about -- I'm looking at the
17 second sentence in paragraph 4, and it says, "to
18 create a dry recreational slide system capable of
19 delivering the thrill and rider experience
12:18:21 20 traditionally associated only with water slides."

21 Is that correct?

22 A. That's correct.

23 Q. What is it about the dry slide technology
24 that makes it capable of delivering the thrill and
12:18:34 25 rider experience traditionally associated with water

1 slides?

2 A. Ultimately, it's the low coefficient of
3 friction.

4 Q. And what do you mean by "low coefficient of
5 friction"?

6 A. To put it in layman's terms, fast enough to
7 make it thrilling.

8 Q. And so that would be a coefficient of
9 friction lower than traditional recreational slides;
10 is that correct?

11 A. Correct.

12 Q. Were some typical prior art dry slides able
13 to deliver the thrill and rider experience
14 traditionally associated with only water slides, in
15 your opinion?

16 MR. SCHATZ: Objection. Outside the scope
17 of Mr. Schmit's declaration.

18 THE WITNESS: I don't know what you mean by
19 that.

20 BY MR. DEUTSCH:

21 Q. I can ask a different question, Mr. Schmit.

22 I guess a high coefficient of friction
23 would be counterproductive to delivering the thrill
24 and rider experience that's traditionally associated
25 with water slides, right?

1 A. Sorry, I'm not following you here.

2 Can you -- one more time?

3 Q. Sure. So -- so you had -- I was just
4 trying to understand your earlier answer. And
12:21:03 5 ultimately it's the low coefficient of friction that
6 makes the slide capable of delivering the thrill and
7 rider experience traditionally associated with water
8 slides.

9 And so high coefficient of friction would
12:21:17 10 prevent a slide from delivering the thrill and rider
11 experience associated with water slides, in your
12 opinion?

13 MR. SCHATZ: Object to form. Objection.
14 Outside the scope of Mr. Schmit's declaration.

12:21:30 15 THE WITNESS: I would assume so, but I
16 don't know if I'm qualified to answer that.

17 BY MR. DEUTSCH:

18 Q. Okay. And in the Launch Slide, for
19 example, the coefficient is determined between the
12:21:45 20 bottom of the ride vehicle and the slide surface; is
21 that correct?

22 A. Many other factors, yes.

23 Q. What are those other factors?

24 A. Weight, temperature. There's -- again,
12:22:11 25 when you get into the material science world, it's --

1 the devil is in the details.

12:22:45 2 Q. Did -- and so the characteristics of the
3 ride vehicle bottom are important, but those alone
4 wouldn't ensure a sufficiently low coefficient of
5 friction, correct?

6 A. Don't know if I'm qualified to answer that.

7 Q. So you don't -- you don't know what details
8 would ensure a sufficiently low coefficient of
9 friction?

12:23:19 10 A. I do not.

11 Q. Who would be qualified to answer that?

12 MR. SCHATZ: Object to form. Objection.

13 Outside the scope of Mr. Schmit's declaration.

14 BY MR. DEUTSCH:

12:23:34 15 A. I couldn't say.

16 Q. Do you know any examples that would achieve
17 a sufficiently low coefficient of friction in terms
18 of the material composition?

19 A. Just the '854 patent.

12:24:23 20 Q. How do you know that?

21 A. Do I know what? I'm sorry?

22 Q. I think you -- you had said earlier you
23 don't know what details would ensure a sufficiently
24 low coefficient of friction, correct?

12:25:06 25 A. Correct. But based on our success, it's

1 clearly low enough.

2 Q. But you don't know -- well, let me -- let
3 me rephrase that, Mr. Schmit.

4 How -- how is the coating composition
5 prepared?

6 MR. SCHATZ: Object to form.

7 THE WITNESS: I -- I don't prepare -- I
8 don't know.

9 BY MR. DEUTSCH:

10 Q. Do you know the -- who the supplier is of
11 the components of the composition?

12 MR. SCHATZ: Craig -- and I apologize. Is
13 the -- the Petitioner's representative on the call?

14 MR. DEUTSCH: No.

15 MR. SCHATZ: Okay. So I'm going to -- just
16 to clarify, it was a "yes," "no" question, and I'll
17 let the witness answer that.

18 THE WITNESS: No.

19 BY MR. DEUTSCH:

20 Q. Are there multiple -- well, let me rephrase
21 that.

22 Does Slick Slide prepare the composition
23 in-house?

24 A. No.

25 Q. Do you know the process of preparing the

1 coating composition before it's applied to a slide?

2 A. Do not.

3 Q. So you don't know the ingredients of the
4 composition or the amount of those ingredients?

12:28:35 5 A. I do -- I do approximately know that, yes.

6 Q. Approximately the ingredients or
7 approximately the amount of those ingredients?

8 A. I could not recite to you the amounts off
9 the top of my head. I do know, I guess, the core
12:29:17 10 ingredients that are involved.

11 Q. And how about the process that is employed
12 when mixing the components that go into the coating
13 composition?

14 MR. SCHATZ: Object to form.

12:29:48 15 THE WITNESS: I do not know that process,
16 no.

17 BY MR. DEUTSCH:

18 Q. Would that process impact coefficient of
19 friction of the resulting coating composition, in
12:30:03 20 your opinion?

21 MR. SCHATZ: Objection. Outside the scope
22 of Mr. Schmit's declaration.

23 THE WITNESS: I wouldn't be able to answer
24 that.

25

1 BY MR. DEUTSCH:

2 Q. How about the process of applying the
3 composition to the slide; did you consider that?

4 MR. SCHATZ: Object to form.

12:30:37 5 THE WITNESS: Consider it in what manner?

6 BY MR. DEUTSCH:

7 Q. Its impact on the coefficient of friction.

8 MR. SCHATZ: Objection. Outside the scope
9 of Mr. Schmit's declaration.

12:30:48 10 THE WITNESS: I wouldn't be qualified to
11 answer that either.

12 BY MR. DEUTSCH:

13 Q. So you don't know if the application
14 process impacts the resulting coefficient of friction
12:31:03 15 of the slide surface?

16 MR. SCHATZ: I'll just interject. That was
17 objection. Asked and answered. And objection.
18 Outside the scope of Mr. Schmit's declaration to that
19 previous question.

12:31:18 20 BY MR. DEUTSCH:

21 Q. Who would know the answer to that question?

22 A. I'm assuming an expert.

23 Q. And I guess I'm asking specifically,
24 someone that is part of Slick Slide or engaged by
12:31:49 25 Slick Slide.

1 MR. SCHATZ: Object to form.

2 THE WITNESS: I'm -- I guess, again, I'm
3 not following you. You're asking who could determine
4 whether the application of the coating affects the
12:32:09 5 coefficient of friction? No one within Slick Slide
6 would be able to answer that with knowledge or
7 confidence. I think an expert would be the only one
8 qualified to answer such a question.

9 BY MR. DEUTSCH:

10 Q. Understood. Thank you. And I'll ask a
11 slightly different question.

12 Who at Slick Slide knows what the protocol
13 is for applying the coating composition to a slide?

14 A. Our -- our installers are aware, and
12:32:43 15 there's instructions on how to do so.

16 Q. And so it's applied on site after the
17 slides are at a venue?

18 A. That's correct.

19 Q. And so Slick Slide would supply an uncoated
12:33:06 20 slide and a batch of coating composition to a
21 customer that would be installed by Slick Slide
22 installers at the venue?

23 A. That's correct. Yes.

24 Q. What do the instructions specify about how
12:33:45 25 to apply the coating?

1 A. I wouldn't even know anymore.

2 Q. How is the coating received by the
3 installers?

4 A. In buckets.

12:34:15 5 Q. And how do they apply it -- or let me
6 rephrase that.

7 How do the instructions specify to apply
8 it?

9 A. I mean, I can't quote what the instructions
12:34:27 10 say. Generally it's rolled or sprayed, not unlike a
11 paint.

12 Q. Is it premixed?

13 A. No.

14 Q. What are the components that need to be
12:34:48 15 mixed?

16 MR. SCHATZ: Objection. Asked and
17 answered. And outside the scope of Mr. Schmit's
18 declaration.

19 THE WITNESS: There's just a part A and a
12:34:59 20 part B. I don't -- I don't know anything beyond
21 that.

22 BY MR. DEUTSCH:

23 Q. So just two materials that are mixed by the
24 installers?

12:35:24 25 A. To my knowledge, yeah.

1 Q. Is there an oil in part A or part B?

2 A. Not that I'm aware of.

3 Q. And is that something that is applied prior
4 to use of the slide after it's installed?

12:37:37 5 A. The coating specifically?

6 Q. Correct.

7 A. Yeah. Yes.

8 Q. Would a coating need to be reapplied over
9 the life of the slide?

12:37:52 10 MR. SCHATZ: Objection. Outside the scope
11 of Mr. Schmit's declaration.

12 THE WITNESS: Generally with -- with
13 maintenance, many, many years before reapplication.

14 BY MR. DEUTSCH:

12:38:12 15 Q. Have any of the slides in commercial use
16 gone through reapplication of the slide coating?

17 MR. SCHATZ: Objection. Outside the scope
18 of Mr. Schmit's declaration.

19 THE WITNESS: Yes.

12:38:24 20 BY MR. DEUTSCH:

21 Q. And is the initial coating removed before a
22 new coating is applied, or is the new coating applied
23 over the top?

24 MR. SCHATZ: Objection. Outside the scope
12:38:47 25 of Mr. Schmit's declaration.

1 THE WITNESS: Generally just over --
2 applied right over it.

3 BY MR. DEUTSCH:

4 Q. You had mentioned maintenance of the slide
5 surface.

6 What maintenance do you specify for
7 customers of Slick Slide slides?

8 MR. SCHATZ: Objection. Outside the scope
9 of Mr. Schmit's declaration.

10 THE WITNESS: Generally, obviously outside
11 of, like, a safety -- you know, checking, visually
12 inspecting, and monthly and/or quarterly inspections,
13 we use an oil to prevent the wear and abrasion of the
14 coating because it's not cheap.

15 BY MR. DEUTSCH:

16 Q. The coating is not cheap, you mean?

17 A. Correct.

18 Q. Do you know the composition of the oil?

19 MR. SCHATZ: Again, Craig, I just want to
20 be sensitive here. We're asking about some sensitive
21 and potentially confidential information. So I just
22 want to clarify that you asked a yes/no question;
23 otherwise, I might have to be in a position to move
24 for a protective order. I think we can navigate that
25 here, but I just want to let you know that.

1 MR. DEUTSCH: I didn't hear your answer,
2 Mr. Schmit.

3 THE WITNESS: Oh, sorry, I was waiting for
4 a response to comment.

12:41:03 5 No, I don't.

6 BY MR. DEUTSCH:

7 Q. Is the oil you're talking about commonly
8 referred to as slick sauce?

9 THE WITNESS: Yes.

12:41:20 10 BY MR. DEUTSCH:

11 Q. Is this something Slick Slide provides to
12 customers as part of ongoing maintenance?

13 A. To a vendor.

14 Q. Did you develop the composition of slick
12:41:56 15 sauce?

16 MR. SCHATZ: Objection. Outside the scope
17 of the -- Mr. Schmit's declaration.

18 Craig, I think we're going to -- if you're
19 going to ask that question, we're going to have to
12:42:08 20 move for a protective order. It's not relevant to
21 the proceeding, and I want to work with you on this;
22 but that's, frankly, inappropriate, and we'll have to
23 move for a protective order if you want to ask that
24 question.

12:42:23 25 MR. DEUTSCH: Yeah, Brett, thanks for

1 saying that. This was in your exhibits submitted
2 with that as a response. So it's squarely within the
3 scope. It's all within your exhibits, particularly
4 2045 talked about slick sauce, and it's relevant to a
12:42:38 5 number of positions that are discussed in Exhibit 23.

6 MR. SCHATZ: Yeah, and thanks for offering
7 that up, Craig. I want to navigate this with you
8 well, but you're asking questions about who was the
9 designer, who was the creator of that product, and
12:42:58 10 that is not in the materials, and it is not relevant.

11 So I'll -- I have no problems with you
12 asking about use of the product. That's perfectly
13 fine; but if you're going to ask some sensitive
14 details about who created it, who the supplier is,
12:43:25 15 we're going to have to move for a protective order on
16 that.

17 So maybe -- maybe -- if that's reasonable,
18 then maybe you could ask your questions but not get
19 into some of the sensitive details that I'm
12:43:38 20 mentioning.

21 MR. ROZYLOWICZ: You know, Brett, I want to
22 be very clear. Here, as we speak, I think it's
23 presently -- approximately 9:43 your time, and that
24 the discussion up until maybe a couple minutes ago
12:43:53 25 really was the subject of -- that you might move for

1 a protective order.

2 MR. SCHATZ: Agreed, Tom, yes.

3 MR. ROZYLOWICZ: All right. And the other
4 thing I would just point out here that you've kind of
12:44:07 5 given -- given what's at issue in Claims 8 through
6 13, I respectfully push back and say that we're
7 talking about here as to what may or may not be
8 required to realize the functionality in Claims 8
9 through 13, I respectfully submit, is properly within
12:44:26 10 the scope of questions here.

11 Again, I'm willing to work with you on a --
12 if we do go into materials that would be subject to a
13 protective order, again, it's not our objective here
14 to put that out there; but what I don't want to have
12:44:46 15 a situation where we have however long of a
16 deposition and we spend -- when we're really only a
17 few minutes of what we're talking about here is the
18 subject of what you believe might be sensitive, and I
19 just don't want to have to parse back through the
12:45:00 20 entire transcript afterwards and navigate this and --
21 it sounds like we're -- in large agreement as to what
22 might be the sensitive area and what might be not the
23 subject of your concerns.

24 MR. SCHATZ: Yeah, I agree. I think part
12:45:18 25 of it is I'm not sure if Mr. Schmit is going to know

1 the answers that are going to be asked. But I don't
2 know what specific questions are going to be asked.

3 But in terms of, like, who created the
4 design of this product, that's a sensitive issue that
12:45:38 5 I don't see as relevant, and that's really what I was
6 trying to discuss.

7 MR. ROZYLOWICZ: Okay.

8 MR. SCHATZ: So thank you for the dialogue.

9 Craig, I don't mean to interrupt your
12:45:52 10 discovery or your line of questioning. So by all
11 means, maybe you could go ahead and we'll hopefully
12 come to some understanding where you can ask the
13 questions that you really need to ask.

14 MR. DEUTSCH: Yeah, thank you.

12:46:25 15 BY MR. DEUTSCH:

16 Q. Mr. Schmit, do you know how often Slick
17 Slide recommends that this oil be applied to its
18 slide surfaces?

19 A. I don't know what it says in our safety and
12:46:43 20 operating procedures. It's pretty much as needed.
21 So...

22 Q. And what would be a sign that it's needed?

23 MR. SCHATZ: Objection. Outside the scope
24 of Mr. Schmit's declaration.

12:47:04 25 THE WITNESS: Wear and abrasion on the

1 coating.

2 BY MR. DEUTSCH:

3 Q. And is that something that is observed
4 based on -- or, rather, moving more slowly down the
5 slide?

6 MR. SCHATZ: Objection. Outside the scope
7 of Mr. Schmit's declaration.

8 THE WITNESS: No; but generally, he would
9 see where -- an abrasion on the coating itself.

10 BY MR. DEUTSCH:

11 Q. Does Slick Slide -- slick sauce impact the
12 coefficient of friction between the ride vehicle and
13 the slide surface?

14 MR. SCHATZ: Objection. Outside of
15 Mr. Schmit's declaration.

16 THE WITNESS: I'm not qualified to answer
17 that.

18 BY MR. DEUTSCH:

19 Q. So you don't know if an oil would impact
20 coefficient of friction when it's applied on the
21 slide surface?

22 MR. SCHATZ: Objection. Asked and
23 answered. Objection. Outside the scope of Mr.
24 Schmit's declaration.

25 THE WITNESS: Again, I'm not -- I'm not

1 qualified to answer that.

2 BY MR. DEUTSCH:

3 Q. Is there someone within Slick Slide who is
4 qualified to answer that?

12:48:32 5 A. Probably the experts that you deposed.

6 Q. Was testing performed using slick sauce
7 before it was part of the protocol delivered to
8 customers?

9 MR. SCHATZ: Objection. Outside the scope
12:48:55 10 of Mr. Schmit's declaration.

11 THE WITNESS: Not to my knowledge.

12 BY MR. DEUTSCH:

13 Q. Is it an off-the-shelf oil provided by your
14 supplier?

12:49:13 15 MR. SCHATZ: Objection. Outside the scope
16 of Mr. Schmit's declaration.

17 THE WITNESS: I wouldn't know the answer to
18 that either.

19 BY MR. DEUTSCH:

12:49:31 20 Q. When did Slick Slide begin using an oil on
21 its slide surfaces?

22 A. As soon as we realized the cost of the
23 coating and how valuable it was to protect it.

24 Q. What led you to use the oil that you're
12:50:10 25 referring to as slick sauce as opposed to other

1 lubricants?

2 MR. SCHATZ: Objection. Outside the scope
3 of Mr. Schmit's declaration.

4 THE WITNESS: We just tried -- just like
5 the material for the coating, you just tried many
6 different materials and found one that worked best
7 for us.

8 BY MR. DEUTSCH:

9 Q. All right. Who was involved in that
10 testing?

11 A. I was.

12 Q. And when was that testing performed?

13 A. Couldn't even give you dates. Obviously in
14 the early development years.

15 Q. Do you mean before commercial launch of the
16 first Launch Slide?

17 MR. SCHATZ: Objection. Outside the scope
18 of Mr. Schmit's declaration.

19 A. I don't recall that.

20 Q. Did you use any oil lubricant with the
21 initial Launch Slide installation at Sky Zone?

22 (Court Reporter requested
23 clarification.)

24 A. Not to my knowledge.

25

1 BY MR. DEUTSCH:

2 Q. Was there someone else involved that could
3 have used it without your knowledge?

4 MR. SCHATZ: Objection to form.

12:52:15 5 THE WITNESS: I wouldn't be able to answer
6 that.

7 BY MR. DEUTSCH:

8 Q. Said another way, slick -- is it your
9 understanding that Slick Slide didn't provide oil to
12:52:29 10 the customer for use on its Launch Slide?

11 A. Don't know when we started providing that.

12 Q. Is it possible that you started providing
13 slick sauce with the first delivery of the Launch
14 Slide?

12:53:12 15 MR. SCHATZ: Object to form.

16 THE WITNESS: If I had to guess, I'd say
17 no.

18 BY MR. DEUTSCH:

19 Q. Why is that?

12:53:36 20 A. It's a long time ago.

21 Q. But you did test it in the early
22 development years prior to that time, correct?

23 A. I didn't say that.

24 Q. I'm just trying to understand the timing of
12:54:16 25 that development.

1 A. As I said before, I can't recall when. I
2 just know that after wear and abrasion started
3 occurring, due to the cost of the coating, we decided
4 to implement that.

12:54:34 5 Q. Understood.

6 I didn't quite hear that.

7 MR. SCHATZ: Sorry. We were talking about
8 the potential arrival of housekeeping.

9 MR. DEUTSCH: Understood.

12:55:26 10 THE WITNESS: Sorry, my bad. I didn't want
11 the door opening or knock.

12 BY MR. DEUTSCH:

13 Q. Sure. We can pause if -- if we need to
14 tend to that.

12:55:40 15 Mr. Schmit, the Exhibit 2045 that you cited
16 to, I have a general question -- feel free to turn to
17 it -- mentioned your work with a number of other
18 individuals. And so I'd like to ask about that.

19 A. Hang on one second. Brett, I believe, is
12:56:30 20 grabbing that.

21 MR. SCHATZ: I don't think I have that one.

22 THE WITNESS: We might -- can you throw it
23 up on the screen, Craig, by any chance?

24 MR. DEUTSCH: The -- it's in the chat. And
12:56:43 25 maybe -- I can start with a general question, and we

1 can go -- go from there.

2 BY MR. DEUTSCH:

3 Q. So I understand at various points in your
4 product R&D, you've worked with outside consultants
12:57:04 5 in various fields; is that correct?

6 MR. SCHATZ: Object to form.

7 THE WITNESS: In reference to what
8 specifically?

9 BY MR. DEUTSCH:

10 Q. For example, have you worked with any
11 professors of tribology?

12 (Court reporter requested clarification.)

13 MR. DEUTSCH: It's T-R-I-B-O-L-O-G-Y.

14 THE WITNESS: Yes.

12:57:39 15 BY MR. DEUTSCH:

16 Q. And what were they tasked to do with Slick
17 Slide?

18 A. Nothing specifically. It was more of a
19 sounding board and someone to kind of help direct me
12:58:02 20 with, as I mentioned before, the wide variances of
21 different materials, et cetera.

22 So they -- they were really just -- or not
23 "they." He specifically just guided me down some
24 paths of saving me probably years of time.

12:58:24 25 Q. And you referred to "he."

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1 Who is that?

2 A. Dr. Jerry.

3 Q. Is that his full name?

4 A. Dr. Jerry Lawson. He's since passed away.

12:58:53 5 Q. Was Dr. Lawson affiliated with a particular
6 university?

7 A. I don't recall. He was very much retired
8 at the time that I -- I think maybe had three or four
9 conversations with him in total.

12:59:20 10 Q. Do you recall if that was before or after
11 the initial Launch Slide was installed at Sky Zone?

12 A. Gosh, I don't recall the time period at
13 all; but it was in the very early days when I was
14 spinning my wheels.

12:59:50 15 Q. And so what -- what did you receive from
16 him that, I think in your words, you said saved years
17 of time?

18 A. Just prevented me from going down paths
19 that would have ended up going nowhere. So it was
13:00:08 20 nothing -- nothing received. It was literally a -- a
21 few phone calls and just some guidance. That was it.

22 Q. And tell me about that guidance. What --
23 what guidance did he provide?

24 MR. SCHATZ: Objection. Asked and
13:00:27 25 answered.

1 THE WITNESS: I don't even remember at this
2 point. It was so long ago.

3 BY MR. DEUTSCH:

4 Q. Did you talk to him about the types of
5 materials that you were considering?

6 A. I would report to him what I was doing, and
7 he would kind of give me a thumbs up or thumbs down
8 on the direction I was going. And that was -- about
9 amounts to it.

10 Q. And so what -- what was the material that
11 he gave you a thumbs down on?

12 A. I don't remember. This was eight years ago
13 at this point.

14 Q. But there -- there -- were there certain
15 materials that he prevented you from exploring based
16 on his thumbs-down feedback?

17 A. Don't recall at this point.

18 Q. Did he encourage you to select certain
19 materials?

20 A. Not to my knowledge. It was really just --
21 like I said -- three phone calls, I think, total.
22 But I don't recall exactly what was the details of
23 those discussions.

24 Q. I think you said it saved you years of time
25 though; is that correct?

1 A. Yeah, this is primarily around coating,
2 first and foremost. And this is when I was -- you
3 know, he -- let's just say he narrowed me down from
4 500 to 100 different combinations.

13:02:08 5 Q. And how did he do that?

6 A. Just by pointing me in the right direction.
7 If I was going down a path he thought was going to
8 fail, he would save me the time by saying, "Don't
9 bother."

13:02:43 10 Q. And so which -- which types of things would
11 be a failure that you were trying to avoid?

12 MR. SCHATZ: Object to form. Objection.
13 Outside the scope of Mr. Schmit's declaration.

14 THE WITNESS: How much time have you got?
15 Hundreds, if not thousands.

13:03:05 16 BY MR. DEUTSCH:

17 Q. Well, I'm just asking about the factors
18 that you were looking at that you would consider
19 failures.

13:03:16 20 So, for example, you know, is durability
21 something that he opined on?

22 A. He didn't opine on anything. He basically
23 would just tell me, don't bother going down that
24 path. Don't bother going down this path. And with
13:03:36 25 regards to, you know, certain combinations and

1 different variables and, I believe -- I forget what
2 year he passed, but our work together pretty much
3 stopped because of it.

4 So, yeah, these -- again, hundreds, if not
13:04:01 5 thousands of variables.

6 Q. And so what was the path that he said not
7 to go down?

8 A. I can't recall.

9 Q. Do you recall a concern that was underlying
13:04:18 10 his feedback in terms of it was a coefficient of
11 friction? Was it durability? Was it other factors?

12 A. It's all of the above. There's just too
13 many -- there's too many variables. There -- there
14 isn't one. So dozens of variables. Anyone can blow
13:04:42 15 the technology up. So --

16 Q. And so what was it -- what was it that
17 saved you years of time?

18 A. Like I said, he cut me down from maybe
19 thousands to hundreds.

13:05:02 20 Q. What was cut down?

21 A. Variables.

22 Q. And do you recall any of those variables?

23 A. I don't, as I mentioned a couple of times.

24 Q. Do you not recall because there were so
13:06:03 25 many variables to consider?

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1 A. Yeah. Exactly. It's just there's too many
2 to list.

3 Q. But you can't list any today; is that
4 correct?

13:06:21 5 MR. SCHATZ: Object to form.

6 THE WITNESS: All I can list today is
7 what's in '854.

8 BY MR. DEUTSCH:

9 Q. What -- who else did you speak with during
13:07:39 10 this development process?

11 MR. SCHATZ: Object to form.

12 THE WITNESS: That was it in those very
13 early, early days; and then I was just on my own at
14 that point.

13:08:00 15 BY MR. DEUTSCH:

16 Q. Let's turn -- well, let's -- let's do this.
17 I know we've been going for a little bit. I'll pause
18 and ask if you guys want a short break.

19 MR. SCHATZ: Yeah, sure. We can take a
13:08:24 20 short -- again, a short break would be fine.

21 MR. DEUTSCH: All right. Sounds good.

22 MR. SCHATZ: Okay.

23 THE VIDEOGRAPHER: Going off the record at
24 1:08 p.m.

13:08:39 25 (Recess.)

1 THE VIDEOGRAPHER: Back on record at 1:23
2 p.m.

3 BY MR. DEUTSCH:

4 Q. Thank you, Mr. Schmit. Welcome back.

13:24:04 5 A. Thank you.

6 Q. Let's turn to Exhibit 2045, particularly
7 page 52.

8 Do you have that in front of you?

9 MR. SCHATZ: Craig, I don't think we have
13:24:17 10 that one. So you're going to have to share that one.

11 MR. DEUTSCH: Okay.

12 BY MR. DEUTSCH:

13 Q. And that one is in the chat, if you're able
14 to pull it up. I can share, if that's easier,
13:24:30 15 Mr. Schmit.

16 A. Brett can decide what is best there.

17 MR. SCHATZ: Why don't we do a share,
18 Craig. I think you'll have better results that way.

19 MR. DEUTSCH: Sounds good. One moment.

13:26:07 20 BY MR. DEUTSCH:

21 Q. All right. I'm sharing what is
22 Exhibit 2045. Can you see that, Mr. Schmit?

23 A. I can, yes.

24 Q. Are you familiar with Exhibit 2045?

13:26:23 25 A. I'm not.

1 Q. So I take it then you didn't compile
2 Exhibit 2045?

3 A. Correct.

4 Q. I'm going to jump to page 52.

13:26:43 5 Do you see the gray box with the heading,
6 "Slick City's growth isn't slowing; new location
7 opens in Houston"?

8 A. I do.

9 Q. And if we go to the very bottom right, the
13:26:57 10 last sentence, that's actually a partial sentence
11 that begins, "Through."

12 Do you see that?

13 A. I do, yes.

14 Q. And it says, "Through extensive research,
13:27:15 15 involving the field of tribology, analysis utilizing
16 professors at MIT, consultation with former
17 astrophysicists at NASA, and loads of trial and
18 error, we've developed a coefficient of friction with
19 the experience of" --

13:27:36 20 Did I read that correctly?

21 A. It appears you did.

22 Q. And I can flip ahead, just for
23 completeness, that sentence.

24 It continues, "a dry slide similar to that
13:28:05 25 water slide, our secret recipe, if you will."

1 Do you see that?

2 A. Yes.

3 Q. So going back to page 52 of Exhibit 2045 in
4 the beginning of that sentence, was Professor Lawson
13:28:24 5 one of the individuals that is referenced in this
6 sentence?

7 A. I -- I assume that's who they were
8 referring to. I didn't write this. I don't -- I
9 don't know who wrote this. We've got a PR company
13:28:45 10 and a marketing department and all sorts of other
11 stuff. So it would be tough -- I don't recall if he
12 was MIT or -- seemed like a little bit of fluff to
13 me.

14 Q. Understood. Do -- so separate from
13:29:10 15 Professor Lawson, do you know --

16 MR. ROZYLOWICZ: I'm sorry, Mr. Schmit, can
17 you repeat that? The real-time feed in there was a
18 little bit garbled. I apologize.

19 THE WITNESS: That's -- that's okay. I
13:29:23 20 don't know who wrote this. We have a PR company and
21 a marketing department and people that work on the
22 Slick City side of things, so I can't vouch for this.

23 MR. ROZYLOWICZ: Okay. I'm just looking at
24 the real-time feed, and it said -- I just want to
13:29:44 25 confirm. You said, "It seemed like a little bit of

1 fluff to me"?

2 THE WITNESS: Correct. I don't know --
3 again, I don't know what they -- the marketing
4 department has their own strategy at play, so I don't
13:29:55 5 know where this came from exactly.

6 MR. ROZYLOWICZ: Thank you for clarifying.
7 Appreciate it.

8 BY MR. DEUTSCH:

9 Q. Okay. Yeah. Thank you, and I think you
13:30:09 10 probably answered my next question then. You
11 personally didn't work with a former astrophysicist
12 at NASA or any other professors other than --

13 A. No. No, I have not.

14 Q. All right. And so if any of those
13:30:56 15 individuals were involved, it would be on the Slick
16 City side and not in the development of -- of slides
17 or lubricants that Slick Slide provides; is that
18 correct?

19 A. That -- that would be correct.

13:31:13 20 Q. Are you familiar with an easement --

21 A. Just for the record real quick, Craig, I'm
22 sorry. I believe this is the same PR company that
23 Urban Air uses or used when this would have come out,
24 just FYI.

25

1 BY MR. DEUTSCH:

2 Q. Are you talking about Amusement Today?

3 A. No. Whoever published this with the PR
4 company that we were using at that time to my
13:31:58 5 recollection was the same PR company that Urban Air
6 was using at that time.

7 Q. Are you -- when you say "we," are you
8 referring to --

9 A. Slick City.

13:32:09 10 Q. Slick City. And Slick City Franchise Group
11 or -- which -- which -- what are you referring to?

12 A. They are all kind of -- they are one in the
13 same. Slick City Corp, Slick City Franchise Group,
14 Slick Slide, they're all equally owned across -- from
13:32:28 15 an equity side of things, but I am pretty sure that
16 the PR company that would have published this was the
17 same company that Urban Air was using -- or is using,
18 still to this day.

19 Q. And you said you weren't the one
13:32:43 20 interfacing with the PR company; is that --

21 A. I never have, no.

22 Q. And is that common in the industry to work
23 with PR companies for placements in various franchise
24 or amusement publications?

13:33:09 25 A. I believe so, but that's not my -- my

1 world.

2 Q. And so I guess maybe another example of
3 that might be -- here, I'm sorry, I'll find the page.

4 I'm turning to page 34 of Exhibit 2045, the
13:33:51 5 same -- same exhibit.

6 And would this be another example of -- of
7 what you're describing, a press release that Slick
8 City prepared?

9 MR. SCHATZ: Object to form.

13:34:08 10 THE WITNESS: Yes. Myself or Slick Slide
11 was never taking part in any sort of press release or
12 marketing whatsoever.

13 BY MR. DEUTSCH:

14 Q. To clarify, that would be done by Slick
13:34:38 15 City; and so when you say yourself, you just mean you
16 aren't directly responsible for communicating with
17 them, but it was done by Slick City, right?

18 A. Correct.

19 Q. And this is page 47 of Exhibit 2045, and so
13:35:47 20 it -- this page has a heading, "This is a paid press
21 release."

22 Do you see that?

23 A. I do.

24 Q. And it looks like -- I see Slick City
13:36:04 25 Franchise Group LLC is listed under the heading.

1 So is it fair to say that was a press
2 release from that entity in particular?

3 A. Yes, most definitely.

4 Q. Thanks for your patience, Mr. Schmit. I
13:37:25 5 was just pulling up another exhibit, and we can
6 shift -- shift gears to another topic.

7 And I will upload another exhibit. I don't
8 think I uploaded this one. Just one moment while I
9 do that. And I can share it as well if that's -- if
13:37:54 10 that's easier.

11 A. Might be easiest.

12 MR. DEUTSCH: So I'll upload it for the
13 benefit of the court reporter, although there's less
14 text in this exhibit.

13:38:44 15 All right. Hopefully that came through in
16 the shared, in the chat, and I'm sharing right now.

17 This is Exhibit 2043 in the record.

18 BY MR. DEUTSCH:

19 Q. Are you familiar with Exhibit 2043,
13:39:04 20 Mr. Schmit?

21 A. I believe so. It looks like our website.

22 Q. Yeah, exactly. And I'll turn to page 2,
23 and there is a slide with the title, "Launch Slide."
24 We've talked about development of the Launch Slide
13:39:30 25 today. But we didn't -- we didn't talk exactly about

1 the user experience on the slide, so I'd like to
2 start there, if you could walk me through, from a
3 rider's perspective, what the ride is like when a
4 rider slides down the Launch Slide.

13:39:52 5 MR. SCHATZ: Object to form and objection.
6 Outside the scope of Mr. Schmit's declaration.

7 THE WITNESS: I mean, I guess it's a pretty
8 general question that, you know, we've got our
9 specific preferred riding position that we've found
10 through our own collection of data, what is the
11 safest way to ride this -- this attraction.

12 And the user lays on the ride vehicle, puts
13 their hands on the handles, goes down in what we call
14 a belly position, and comes off the end. And,
15 depending on the size of the slide, will depend on
16 the amount of time I guess that said slider is
17 airborne. And typically they would land in an
18 airbag, which is very common in the industry for a
19 safe landing.

13:40:40 20 BY MR. DEUTSCH:

21 Q. And the airbag isn't shown here, but is
22 that something that Slick Slide provides with each
23 slide, for example?

24 A. Most -- we provide it for our Slick City
13:41:16 25 locations, but the vast majority of parks that we

1 would sell to, like Sky Zone as an example, has an
2 airbag vendor that they use for their own airbags.

13:41:47 3 Q. Okay. And so the -- the -- well, I guess
4 taking a step back. So it's fair to say that one of
5 the attractions with the Launch Slide is this aspect
6 of becoming airborne after exiting the slide. Is
7 that fair?

8 A. Absolutely, yes.

13:42:05 9 Q. And I guess I can see how that happens.
10 There's the -- kind of a downward portion where the
11 rider would build up speed and then the profile
12 angles back upward to launch the rider in the air; is
13 that right?

14 A. That's correct.

13:42:19 15 Q. And so the -- kind of the pitch and the
16 relative -- well, the relative pitches of those
17 portions impact the ability to become airborne and
18 how the rider moves through the air; is that right?

19 MR. SCHATZ: Object -- object to form.

13:42:38 20 Objection. Outside the scope of Mr. Schmit's
21 declaration.

22 THE WITNESS: Yes. The geometry definitely
23 can come into play.

24 BY MR. DEUTSCH:

13:42:52 25 Q. And I'll turn to page 3 of Exhibit 2043.

1 There's a red slide with the name Scoop Slide; do you
2 see that?

3 A. Yes.

4 Q. What kind of ride experience is the Scoop
5 Slide intended to create?

6 MR. SCHATZ: Objection. Outside the scope
7 of Mr. Schmit's declaration.

8 THE WITNESS: I -- I'm holding myself back
9 from making a comment I shouldn't; but anyway --

10 yeah, it's basically almost like a skateboard ramp,
11 like an up-and-down motion.

12 The rider, similar to the Launch Slide,
13 would go down the flume of the slide, come up that
14 wall on the left, then slide back and go up the wall
15 on the right and then exit the slide typically. Like
16 a forward-and-back motion.

17 Q. Okay. And it looks like the entrance on
18 the top right is kind of the highest point of the
19 slide. Is that fair?

20 A. Right. Where the hood is on the right
21 would be considered the entrance of the slide.

22 Q. And then if we look at the far left of the
23 slide, that has a height in between the foot of the
24 slide and then a portion -- lower portion on the
25 right side of the half pipe; is that right?

1 A. Correct.

2 Q. And why -- why is it -- why are the heights
3 arranged in that way?

4 A. Generally because when they initially come
13:44:44 5 down then are at their greatest speed, so that wall
6 that's on the left needs to be higher to anticipate
7 that. And then as they come back down, there's less
8 of a need; therefore, it's a lower wall on the
9 right-hand side. And at that point the ride path is
13:45:03 10 pretty much complete.

11 Q. Has -- has Slick Slide sold any Scoop
12 Slides?

13 A. Yes.

14 Q. Do you know roughly how many?

13:45:29 15 A. I don't.

16 Q. Do you recall when the first Scoop Slide
17 was delivered?

18 A. I do not. I don't.

19 Q. It would have been after the first Launch
13:45:55 20 Slide; is that correct?

21 A. (Inaudible.)

22 Q. I'll turn to slide 4. This is the Bowl
23 Slide.

24 (Court Reporter requested
25 clarification.)

1 THE WITNESS: It was "yes."

2 BY MR. DEUTSCH:

3 Q. Slide 4 of Exhibit 2043 shows a blue slide
4 with the title "Bowl Slide."

13:46:31 5 Do you see that?

6 A. I do.

7 Q. What is the ride experience the Bowl Slide
8 is intended to create?

9 A. So the slider would come down the flume
13:46:47 10 from the entrance that's at the highest point there
11 in the photo and come around in a circular motion,
12 kind of like a toilet bowl, and then drop out into an
13 airbag that's located in the middle there indicated
14 in black.

13:47:07 15 Q. And it looks like the entrance portion of
16 this slide is -- is pointed somewhat at a tangent to
17 the circle as opposed to directly into the center of
18 the opening.

19 Why is that?

13:47:20 20 A. Because of the speed when they are coming
21 into it, they need to -- it needs to distribute them
22 in a circular motion so they could continue around
23 and around, almost like a -- I don't like to use the
24 term, but picture a toilet bowl flushing.

13:47:52 25 Q. Has Slick Slide sold any Bowl Slides?

1 A. Yes.

2 Q. Is this a slide that is sold, you know,
3 exclusively to certain entities or is it sold more
4 broadly?

13:48:11 5 A. All over the world. There are many
6 different companies.

7 Q. Just going backwards, how about the Scoop
8 Slide? Is that the same -- I can rephrase that.

9 Is the Scoop Slide sold exclusively to
13:48:36 10 Slick City entities, or is it sold more broadly?

11 A. No. It's been sold -- all of our slides --
12 excuse me -- all of our slides, for the most part,
13 have been sold. None of them have been exclusive.
14 And sold all over the world. So...

13:49:01 15 Q. Okay. Turning to page 5 of Exhibit 2043,
16 the Race Slide is shown.

17 Do you see that?

18 A. I do.

19 Q. What is the ride experience of the Race
13:49:30 20 Slide?

21 A. It's pretty traditional. It's four lanes,
22 so four people can go at the same time. The entrance
23 is up there at the top left, and they come sliding
24 out onto an air track, which is basically an airbag,
13:49:51 25 essentially. Pretty traditional in nature.

1 Q. And it looks like there are two portions
2 where the pitch changes going down the slide, and
3 correct me if I'm using terminology that's different
4 than what you would use.

13:50:15 5 A. Oh, no. That's accurate. Yes. Yeah,
6 there's two, I guess, bumps in the slide or "whoops"
7 that, you know, make it a little bit more thrilling.

8 Q. And do you find when people ride these
9 slides they do race and try to be the fastest --

13:50:36 10 A. Oh, yeah.

11 Q. -- of the riders of the four?

12 A. Yes, absolutely.

13 Q. And then the pad that's shown, is this pad
14 unique to the Race Slide or is this similar to what
15 would be used on the Launch Slide, for example?

13:50:52 16 A. This is actually what we would call an air
17 track, which is more like -- so it's a little bit
18 different from the airbags that were shown in the
19 other renderings. It's more equivalent to like a
13:51:16 20 vinyl covered foam that you'd see inside like in a
21 gymnastic-type thing because nobody is airborne here.
22 They are just sliding to a stop.

23 Q. And so would it be a little more firm, I
24 suppose, in that case?

13:51:36 25 A. Correct.

1 Q. Is there anything -- well, I -- I imagine
2 the surface of the air track is different than the
3 surface of the slide.

4 A. Much. It's an inflatable, yes.

13:52:14 5 Q. I'm now sharing page 6 of Exhibit 2043.
6 This shows a purple slide with the title, "Berm
7 Slide."

8 Do you see that?

9 A. I do.

13:52:30 10 Q. And the description says, "Similar to a
11 berm you'd find on a luge track."

12 Could you describe what that means in terms
13 of the rider experience?

14 A. Again, pretty traditional slide. Just, you
13:52:49 15 know, big winding turns similar to like a luge track
16 where the slider kind of goes up the side walls as
17 they are making these big embankment turns and then
18 comes sliding out onto an air track just like the
19 Race Slide previously.

13:53:12 20 Q. And it looks like the walls on the outside
21 of each of the curves are higher than the inner wall;
22 is that correct?

23 A. Correct. Yes.

24 Q. Why is that?

13:53:26 25 A. Because they are -- that's very common in

1 water slides or any slide that there's an embankment,
2 you need to obviously have higher walls for safety.

3 Q. Could the inside wall be higher as well?

4 A. It could, but I believe it's already 18 or
13:53:57 5 20 inches, which is well above ASTM standards.

6 Q. Is it easier to see the rider as they go
7 around the bank having the inner wall be a little bit
8 shorter?

9 A. I assume. I guess it would be. There's no
13:54:36 10 reason for it to be shorter or taller.

11 Q. And then page 7 of 2043 shows what's
12 labeled as a Long Jump Slide.

13 Can you tell me about the ride experience
14 of the Long Jump Slide?

13:54:56 15 A. It's basically got a little jump in the
16 middle, and it has an air track landing indicated in
17 black on the lower bottom half of the slide. That's
18 for safety because they are coming off of the slide
19 surface, not a great deal, but enough to where they
13:55:13 20 need a pad landing for safety. And then they
21 continue to slide down and slow -- and come to a stop
22 at that point.

23 Q. Okay. And so the -- just to make sure I
24 understand the components that are shown here, so the
13:55:36 25 rider brighter blue portion contains the downward

1 slope that launches the rider, correct?

2 A. Correct. And you can't -- it's kind of
3 displayed here, not great, but you can -- if you were
4 to see a side profile of this, you would see kind of
13:55:51 5 like a jump in the middle. And that's what brings
6 the slider off of the surface of the slide for
7 approximately six to eight inches for a couple feet
8 in length, and then they are landing on the black
9 portion which is a padded air track.

13:56:11 10 Q. Okay. And so then the entrance then is
11 the -- kind of the -- the top of the blue just below
12 there is the kind of ladder for traffic -- or --

13 A. Correct. There's a cross bar up there
14 which kind of indicates where the entrance would be.

13:56:26 15 Q. Okay. Yeah. Crossbar.

16 So the entrance of the slide is at the top
17 of the bright blue where the crossbar is?

18 A. Yes.

19 Q. And then they would slide down the bright
13:56:36 20 blue launch and then exit at the flat part of the air
21 track?

22 A. Right.

23 Q. And so here again, the surface would be
24 different between the bright blue slide and then the
13:56:58 25 dark blue or black air track; is that right?

1 A. Correct. The black would be a padded
2 landing area versus the blue, a standard fiberglass
3 slide about --

4 Q. And would that -- that would include --
13:57:17 5 when you say "standard fiberglass slide," it would be
6 coated with the Slick Slide dry lubricant coating?

7 A. Yes, all of our slides require the coating
8 and our dry slide technology and the mats.

9 Q. Turning to page 8 of Exhibit 2043, there's
13:57:58 10 a slide labeled, a "Family Slide."

11 Similar question here, if you could
12 describe the ride experience on the Family Slide.

13 A. Pretty much just kind of a downhill flume
14 or like run to gain speed and then a long, straight,
13:58:19 15 horizontal run-out. Pretty traditional.

16 Q. How did you decide the width of this slide?

17 A. We designed this so two people could go
18 down at the same time side by side. That's why it's
19 wider.

13:58:46 20 Q. Okay. And I suspect that's related to the
21 name of the -- of it being a Family Slide? It could
22 be a parent and a younger --

23 A. Correct.

24 Q. -- child, for example?

13:58:59 25 A. Yes.

1 Q. And so here we have, I guess, a very
2 different pitch and profile compared to something
3 like the Launch Slide, correct?

4 A. I don't know. I couldn't answer to what
13:59:26 5 the -- the -- the pitch of this is or the -- the
6 pitch of the Launch, for that matter. So it would be
7 tough to -- to say if they are different or not.

8 Q. Well, and maybe more specifically I'm
9 referring to the Family Slide horizontal run-out
13:59:48 10 portion --

11 A. Yes.

12 Q. -- versus the launch end of the slide --

13 A. Correct, correct. Nobody -- there's no
14 airborne here. It runs out onto an air track similar
13:59:58 15 to the other slides mentioned.

16 Q. With that in mind, would the audience
17 potentially be different where someone might enjoy
18 the Family Slide that isn't looking for the sensation
19 of going airborne?

14:00:18 20 MR. SCHATZ: Object to form. Objection.
21 Outside the scope of Mr. Schmit's declaration.

22 THE WITNESS: Yeah. Everyone has got their
23 own kind of favorite and what appeals to them, in my
24 opinion.

25 BY MR. DEUTSCHE:

1 Q. And there's just a few more included here
2 that I think we can briefly talk about. Page 9 of
3 Exhibit 2043 shows the slide labeled as the Hybrid
4 Slide.

14:00:50 5 Do you see that?

6 A. Uh-huh. Yes.

7 Q. What's different between the Hybrid Slide
8 and the Launch Slide?

9 A. Really, the only difference is it's a
14:01:02 10 little bit shorter of a flume, which is the downward,
11 and it's lifted higher off the ground, so it has a
12 higher vertical drop. So you're not getting --
13 you're not going as far out, but you're also -- but
14 you are dropping from higher up. So it's just a
15 different variance or -- you know, different variety,
14:01:23 16 I guess, as far as the take on the Launch Slide.

17 Q. Okay. Page 10 of Exhibit 2043 lists the
18 Switchback Slide.

19 Do you see that?

14:01:52 20 A. I do.

21 Q. And this one says, "More info coming soon."

22 Is this -- is the slick -- excuse me. Has
23 the Switchback Slide been installed in any venues?

24 A. We installed it in our Denver location as a
14:02:13 25 prototype and then scrapped it and decided not to do

1 it. So, no, it has not been sold or installed
2 anywhere other than our own facility briefly.

3 Q. And when you say your own facility,
4 which -- you mean the internal -- what are you
14:02:33 5 referring to when you say your own --

6 A. Our Denver corporate location, which was
7 our first location.

8 Q. Denver Slick City?

9 Okay. I understand. So it was -- it was
14:03:00 10 installed there and then since removed; is that
11 correct?

12 A. And we never sold one of them, so...

13 Q. What caused you to decide to remove it from
14 that venue?

14:03:26 15 A. The speed of the slide and the -- versus
16 like the height needed for such a slide for that sort
17 of geometry. It just wasn't going to work. And I
18 guess most locations have probably an average clear
19 height of, let's say just for example, 22 feet. This
14:03:50 20 slide is not conducive to that sort of clear height
21 within that average building.

22 So it just -- from a space standpoint, it
23 didn't make sense.

24 Q. You would need a higher clear height?

14:04:05 25 A. Much higher, yes.

1 Q. Page 11 of Exhibit 2043 shows a Rope Swing
2 Slide.

3 Do you see that?

4 I'm sorry, I think the audio -- your answer
14:04:36 5 might not have come through on the audio.

6 A. Yes, I do.

7 Q. Have you installed the Rope Swing Slide in
8 any venues?

9 A. Just like the slide prior, installed it
14:04:52 10 into our Denver Slick City location as a prototype
11 and decided not to move forward with it.

12 Q. And what led you to that decision?

13 A. Operationally, Slick City decided not to
14 involve any attractions that involve harnesses.

14:05:39 15 Q. Are there any slides that Slick Slide sells
16 that are not included in this list in Exhibit 2043?

17 A. Yes.

18 Q. What are those slides?

19 A. There's almost too many to list. That's --

14:06:10 20 Q. Is the Dragon Slide a slide that's sold by
21 Slick Slide?

22 A. All slides that you see in Slick City are
23 only sold by Slick Slide -- or provided by Slick
24 Slide. There's probably an additional 12 to 15
14:06:28 25 slides. Slick Slide does not market itself, really,

1 to the public. So our website doesn't really
2 represent the amount of slides, what slides, what
3 patents, and so on. I don't even know them all by
4 name, but there's probably an additional 15 slides.

14:06:56 5 Q. Okay. Fair enough. And we won't step
6 through all of them here today. When I say Dragon
7 Slide, is there a particular slide that you're
8 familiar with?

9 A. I am familiar with that one, yes.

14:07:10 10 Q. What's the ride experience of the Dragon
11 Slide?

12 A. Kind of like a roller coaster, like a very
13 up-and-down motion over two very large humps, and
14 then come sliding to a stop.

14:07:27 15 Q. And would the rider slide over those humps,
16 and then slide back in the direction they -- they
17 came from?

18 A. Not ideally. Most of the time you go up
19 and over like a roller coaster, up and down, up and
14:07:45 20 down, and then come sliding to a stop.

21 Q. And so the profile of those up-and-down
22 portions impact the acceleration and deceleration
23 that a rider feels as they go across the slide; is
24 that correct?

14:08:05 25 MR. SCHATZ: Object to form. Objection.

1 Outside the scope of Mr. Schmit's declaration.

2 Objection. Calls for speculation.

3 THE WITNESS: Yes. The up and down,
4 obviously, could be affected by many factors.

5 BY MR. DEUTSCH:

6 Q. Are you familiar with the Avalanche Slide?

7 A. No, we call it -- Slick City has their own
8 marketing names for each one of these slides, so it's
9 kind of tough for me to -- for me to cross-reference
10 what Slick Slide refers to them as compared to Slick
11 City. I know if I see it, I will.

12 Q. Does Slick Slide provide the Junior Slides
13 to Slick City venues?

14 A. Yes.

15 Q. And what is the ride experience of the
16 Junior Slides?

17 A. Very much so just a scaled-down version of
18 a couple of our existing slides, specifically the
19 Launch and the Family. So mini -- mini versions of
20 the slides, two of the slides that we went over on
21 your exhibit.

22 Q. Okay. Are you familiar with the Barrel
23 Roll Attraction?

24 A. I am. Yes.

25 Q. What is the Barrel Roll Attraction?

14:10:38 1 A. It is a spinning slide that is still in
2 prototype phase. It's kind of hard to describe.
3 Literally a slider that's kind of in place while the
4 slide spins around that. So it's mechanical in
5 nature.

6 Q. Is it -- is it powered?

7 A. Yes.

8 Q. How is it powered?

9 A. By two electric motors.

14:10:56 10 Q. And so how is the -- does the way it
11 spins -- let me -- let me ask a more clear question.
12 Does the rider on the attraction impact the
13 way that it spins?

14 A. No.

14:11:20 15 Q. And so it operates with a predetermined
16 profile in terms of how it spins?

17 A. Correct. And it's got a control panel with
18 speed variance and someone that actually controls --
19 not unlike an amusement ride.

14:11:39 20 Q. What -- what locations have it -- the
21 Barrel Roll Attraction been installed in?

22 A. Our -- our corporate location in Peoria,
23 Arizona.

14:12:00 24 Q. Is that the only location it's in right
25 now?

1 A. It is currently, yes.

2 Q. Has it been sold for installation in any
3 other locations?

4 A. Just in planned corporate-owned locations.

14:12:21 5 Q. And so is there a transaction between Slick
6 Slide and the corporate-owned location when an
7 attraction is sold for delivery?

8 A. Yes.

9 Q. You may have commented on this to some
14:13:01 10 extent already, but am I understanding correctly that
11 a visitor that enjoys one of these slides might not
12 enjoy a different slide due to some of the
13 characteristics of the slide or vice versa?

14 MR. SCHATZ: Objection. Outside the scope
14:13:19 15 of Mr. Schmit's declaration.

16 THE WITNESS: In my experience, it seems
17 like everyone kind of has their fan favorite, so it
18 varies.

19 BY MR. DEUTSCH:

14:13:31 20 Q. Sure. The slides that were shown in
21 Exhibit 2043 have different colors in the different
22 slides.

23 Are those the colors that are actually
24 used, or do you offer slides in other colors?

14:13:57 25 A. We -- we definitely offer slides in all

1 sorts of different colors.

2 Q. Is there a reason for that?

3 MR. SCHATZ: Objection. Beyond the scope
4 of Mr. Schmit's declaration.

14:14:10 5 THE WITNESS: No. Nothing in particular
6 other than variety.

7 BY MR. DEUTSCH:

8 Q. Do venues request certain colors when they
9 order a slide, or is that --

10 MR. SCHATZ: Object.

11 BY MR. DEUTSCH:

12 Q. -- something you just send them, a
13 particular color?

14 MR. SCHATZ: Objection. Outside the scope
14:14:33 15 of Mr. Schmit's declaration.

16 THE WITNESS: Generally we will appeal to
17 what is requested from a color standpoint.

18 BY MR. DEUTSCH:

19 Q. Let's go back to -- here, I can share this
14:14:55 20 again. Exhibit 2043, page 2.

21 All right. Can you see that?

22 A. Yes.

23 Q. The last sentence says, "The launch is
24 covered by U.S. Design Patent Number D973,821; is
14:15:33 25 that right?

1 A. Yes.

2 Q. Is the Launch Slide covered by any other
3 U.S. design patents?

4 MR. SCHATZ: Objection. Outside the scope
14:15:44 5 of Mr. Schmit's declaration.

6 THE WITNESS: I believe that there's a
7 number of continuations, but I'd have to ask my -- my
8 counsel about that.

9 BY MR. DEUTSCH:

10 Q. Are you pursuing additional patents
11 directed to the Launch Slide?

12 MR. SCHATZ: Objection. Outside the scope
13 of Mr. Schmit's declaration.

14 THE WITNESS: Same answer. I believe so.
14:16:09 15 I would refer to my counsel for that.

16 BY MR. DEUTSCH:

17 Q. Do you recall what features those design
18 patent -- let me take it -- let me rephrase that.

19 You mentioned multiple U.S. design patents
14:16:36 20 cover the Launch Slide, correct?

21 MR. SCHATZ: Objection. Outside the scope
22 of Mr. Schmit's declaration and his expertise.

23 THE WITNESS: I didn't say it's covered by
24 multiple. I said I would refer to my counsel for
14:16:51 25 advisement on that.

1 BY MR. DEUTSCH:

2 Q. Thanks for clarifying that.

3 Do you -- so are you aware of any patents
4 directed to the Launch Slide aside from the '821
14:17:15 5 patent?

6 MR. SCHATZ: Objection. Outside of the
7 scope of Mr. Schmit's declaration.

8 THE WITNESS: I believe that there are
9 additional patents. I, again, can't confirm that,
14:17:27 10 and I would advise -- defer to the advisement of my
11 counsel on that.

12 BY MR. DEUTSCH:

13 Q. Do you know what features those additional
14 patents you're thinking of are directed to?

15 MR. SCHATZ: I'm going to instruct the
16 witness not to answer based on his comment that he
17 would need counsel's commentary to assist with those
18 questions.

19 (Witness instructed not to answer the
14:17:51 20 question.)

21 BY MR. DEUTSCH:

22 Q. You are the sole listed inventor of the
23 '821 patent; is that correct, Mr. Schmit?

24 A. Yes.

14:17:59 25 Q. And the sole listed inventor of

1 continuation -- patents that resulted from
2 continuations of the '821 patent?

3 A. There are continuations that I am the sole
4 inventor, as I am with any of the IP that comes from
14:18:15 5 Slick Slide LLC.

6 Q. But you don't recall what those patents are
7 directed to, if they exist?

8 MR. SCHATZ: Instruct the witness not to
9 answer based on privilege.

10 (Witness instructed not to answer the
11 question.)

12 BY MR. DEUTSCH:

13 Q. Mr. Schmit, do you recall what those
14 patents are directed to, if it exists?

14:18:34 15 MR. SCHATZ: Instruct the witness not to
16 answer, privilege.

17 (Witness instructed not to answer the
18 question.)

19 BY MR. DEUTSCH:

14:18:44 20 Q. Mr. Schmit, are you going to take counsel's
21 instructions?

22 A. Yes. Always.

23 Q. So I was asking about other U.S. design
24 patents directed to the Launch Slide.

14:19:20 25 To your knowledge, do you have any other

1 U.S. patents besides design patents for the '854
2 patent that you believe to be directed to the Launch
3 Slide?

4 MR. SCHATZ: I would instruct the witness
14:19:37 5 not to answer based on privilege.

6 (Witness instructed not to answer the
7 question.)

8 THE WITNESS: I'll take that advisement.

9 BY MR. DEUTSCH:

10 Q. Is the Scoop Slide the subject of any U.S.
14:20:05 11 patents that are not the '854 patent?

12 MR. SCHATZ: Objection. Outside the scope
13 of Mr. Schmit's declaration.

14 THE WITNESS: I believe there are patents
14:20:19 15 both in the U.S. and internationally around the Scoop
16 Slide.

17 BY MR. DEUTSCH:

18 Q. Do you recall what they cover?

19 A. I don't. Design utility, I assume.

14:20:40 20 Q. And what would the -- what are the design
21 features that would be the subject of a design
22 patent?

23 MR. SCHATZ: Objection. Outside the scope
24 of Mr. Schmit's declaration.

14:20:53 25 THE WITNESS: You're looking at it.

1 BY MR. DEUTSCH:

2 Q. And so your -- in your opinion, the design
3 that's shown here is -- is distinctive?

4 MR. SCHATZ: Objection. Form. Objection.
14:21:19 5 Outside the scope of Mr. Schmit's declaration.

6 And to the extent it requires input from
7 counsel, I'll instruct him not to answer.
8 Privileged.

9 (Witness instructed not to answer the
14:21:37 10 question.)

11 THE WITNESS: I'll take that advisement.

12 BY MR. DEUTSCH:

13 Q. Are you the sole inventor of the design
14 patent that covers the Scoop Slide?

15 MR. SCHATZ: Objection. Outside the scope
14:21:47 16 of Mr. Schmit's declaration.

17 THE WITNESS: I'm the sole inventor of all
18 IP that Slick Slide LLC has.

19 BY MR. DEUTSCH:

14:22:06 20 Q. But you're not sure if it's distinctive?

21 MR. SCHATZ: Object to form. Objection.
22 Outside the scope of Mr. Schmit's declaration.

23 And I'll instruct the witness, to the
24 extent it requires input from counsel, not to answer.

25 ///

1 (Witness instructed not to answer the
2 question.)

3 THE WITNESS: I'll take that advisement.

4 BY MR. DEUTSCH:

14:22:41 5 Q. Do you believe the design shown here gives
6 Slick Slide a competitive advantage in the market?

7 MR. SCHATZ: Objection. Outside the scope
8 of Mr. Schmit's declaration.

9 THE WITNESS: I believe everything that we
14:23:04 10 produce gives us that.

11 BY MR. DEUTSCH:

12 Q. And so that would include the appearance of
13 the design that's shown here?

14 MR. SCHATZ: Objection. Outside the scope
14:23:19 15 of Mr. Schmit's declaration and calls for
16 speculation.

17 THE WITNESS: Again, every -- everything
18 that we design, manufacture, produce, patent is
19 unique in nature, and I believe that's what gives us
14:23:34 20 the competitive edge.

21 BY MR. DEUTSCH:

22 Q. And so one of those things would be the
23 shape of the Scoop Slide?

24 MR. SCHATZ: Objection. Asked and
14:23:48 25 answered. And objection. Outside the scope of

1 Mr. Schmit's declaration.

2 THE WITNESS: I would just refer to my
3 previous answer.

4 BY MR. DEUTSCH:

14:24:05 5 Q. I don't -- if you answered that question, I
6 may have missed it.

7 A. I can -- I can repeat it.

8 Q. Does the shape -- does the shape of the
9 Scoop Slide provide a competitive advantage for Slick
14:24:21 10 Slide?

11 MR. SCHATZ: Objection. Asked and
12 answered. And outside -- objection. Outside the
13 scope of Mr. Schmit's declaration.

14 THE WITNESS: I'll refer to my previous
14:24:33 15 answer. Everything that Slick Slide designs,
16 manufactures, installs, patents gives us a unique
17 competitive advantage.

18 BY MR. DEUTSCH:

19 Q. Is the shape of the Scoop Slide something
14:24:49 20 that Slick Slide designs, manufactures, installs,
21 patents?

22 A. We designed the Scoop Slide.

23 Q. Let's go back to your declaration briefly.
24 The last sentence -- I'm at page 14,
14:26:43 25 paragraph 45, and I'm looking at the last sentence.

1 A. Thank you. 46?

2 Q. Yeah, the last sentence just before
3 paragraph 46, so it's the sentence beginning, "55
4 patents."

14:27:01 5 A. Okay.

6 Q. It says, "55 patents have already been
7 filed or granted for a proprietary slides and
8 technology."

9 Do you see that?

14:27:13 10 A. I do.

11 Q. Is it correct that almost all of those
12 patents are not directed to the dry slide technology?

13 MR. SCHATZ: Objection. Outside the scope
14 of Mr. Schmit's declaration.

14:27:31 15 THE WITNESS: I wouldn't --

16 BY MR. DEUTSCH:

17 Q. I -- sorry, go ahead.

18 A. I wouldn't be able to put a number either
19 way on that. I leave -- leave that to my -- the
14:27:40 20 advisement of my counsels.

21 Q. Do you know how many of those are design
22 patents roughly?

23 A. I don't.

24 Q. Are they mostly design patents?

14:27:51 25 A. I couldn't -- I don't know. There's so

1 many internationally and U.S. that it's -- it's -- I
2 lost track a long time ago.

3 MR. DEUTSCHE: Why don't we pause. We've
4 been going again for a little bit, and we can do a
14:28:20 5 lunch break, if that works for you, Mr. Schmit.

6 MR. SCHATZ: Craig, what's your -- what's
7 your intention on the remainder of the day?

8 MR. DEUTSCH: In terms of timing?

9 MR. SCHATZ: Yeah, I think so. We do have
14:28:46 10 flights to attend to sometime.

11 MR. DEUTSCH: Yeah. And I mean, I'm
12 hopeful we can move at a good pace. There's a few --
13 go ahead.

14 THE WITNESS: I was going to say, you might
14:29:09 15 need -- I think he's just trying to get if he needs
16 to move his flight.

17 MR. SCHATZ: Yeah. Or I think what we'd
18 like to do is probably work through lunch and finish
19 up so we can make our flights.

14:29:24 20 THE WITNESS: Unless it's a couple hours.

21 MR. DEUTSCH: Yeah, I don't know how I'm
22 going to -- how long your flight is. We can
23 certainly take -- you know, keep it -- keep it short.
24 You know, we don't need to take a 45-minute lunch
14:29:41 25 break or anything.

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1 MR. SCHATZ: I mean, do you think you can
2 finish -- let's see. It's 2:30 your time, right?

3 MR. DEUTSCH: 1:30.

4 MR. SCHATZ: 1:30. That's right. Oh,
5 you're Central. That's right. I mean, do you think
6 you can finish in another hour?

7 MR. DEUTSCH: I'd like to. I know -- I
8 will say we've gone longer already than I was
9 anticipating, so I don't want to promise -- promise
10 something in a way that causes problems for your
11 schedule. So I'm not sure. It would be borderline.

12 MR. SCHATZ: It would be fine with me if we
13 literally take another ten-minute break, come back,
14 and hopefully you can get done in that hour.

15 MR. DEUTSCH: We can take a shot at it
16 certainly.

17 MR. SCHATZ: Okay. Let's do that.

18 MR. DEUTSCH: Yeah. I'm not sure -- like I
19 said, I don't want to promise anything, but we can
20 try.

21 MR. SCHATZ: Yeah, I understand.
22 Appreciate that, Craig.

23 MR. DEUTSCH: Yeah. Thank you.

24 MR. SCHATZ: So we'll take just a short
25 break then.

1 MR. DEUTSCH: Yeah, give me -- if you could
2 give me 15 minutes, that will be great.

3 MR. SCHATZ: I think that will -- yeah,
4 that might help.

14:30:51 5 THE VIDEOGRAPHER: Going off the record at
6 2:30 p.m.

7 (Recess.)

8 THE VIDEOGRAPHER: Back on the record at
9 2:47 p.m.

14:47:21 10 BY MR. DEUTSCH:

11 Q. Welcome back, Mr. Schmit.

12 A. Thank you.

13 Q. Now we've taken a few breaks now. During
14 those breaks, did you talk to anyone?

14:47:37 15 A. No. Just texted with me wife and used the
16 restroom.

17 Q. And did you talk about the subject matter
18 of your testimony here today?

19 A. No, she just had surgery.

14:47:56 20 Q. I hope she's doing well.

21 A. Thank you.

22 Q. All right. So let's turn to the
23 organizational structure of Slick Slide and Slick
24 City and related entities. And I understand from
14:48:16 25 paragraph 1 of your declaration, you are a founder

1 and currently the CEO of Slick Slide LLC.

2 And then in photograph 2 you mention you're
3 a founder of Slick City Action Park and currently the
4 owner of Slick City Franchise Group and several Slick
14:48:36 5 City Action Park locations. Is that correct?

6 A. That is correct. Yes.

7 Q. And so in your role with Slick City
8 Franchise Group, you are responsible for franchise
9 arrangements associated with Slick Slide and Slick
14:48:56 10 City; is that correct?

11 A. I'm -- I'm an owner. I'm not the CEO.
12 Bron Launsby, my business partner, is the CEO of
13 Slick City Corporate Parks and Franchise Group.

14 Q. Okay. And correct me if -- so is that not
14:49:14 15 correct, in paragraph 2 where it says, "I am
16 responsible for franchise arrangements," would that
17 really be Bron or other members of Slick City
18 Franchise Group?

19 A. We make up the board; so I guess, yes, we
14:49:28 20 make the decisions, but he is the CEO technically.

21 Q. Got it. And so when you say Slick City
22 Action Park, does that encompass all of the Slick
23 City entities, or is there a certain group of
24 entities that fall within that umbrella?

14:50:02 25 A. Each one of our corporate parks has its own

1 entity, as do -- many others do, and then our
2 franchise group is a separate entity that that all of
3 the franchise business would fall under.

14:50:31 4 Q. And so the -- when you say "owner of Slick
5 City Franchise Group and several Slick City Action
6 Park locations," do you mean you're the owner of
7 those Slick City Action Park locations via your
8 ownership of Slick City Franchise Group?

14:50:44 9 A. Correct. All ownership is equally
10 distributed across all entities. Meaning -- just to
11 clarify, meaning the percentage of ownership that I
12 own in Slick Slide, Slick City, Slick City Franchise
13 Group, and all park locations is equal across the
14 board, and that goes for all of the equity holders.

14:51:16 15 Q. Got it. And you mentioned that Bron is the
16 CEO of Slick City Franchise Group.

17 Is there a management team that reports to
18 Bron that oversees the various aspects of Slick City
19 Franchise Group?

14:51:44 20 A. Yes. We've got approximately 40 to 50
21 above park corporate employees. It kind of -- are
22 across all entities.

23 Q. And is there a subset of that group that
24 reports directly to Bron?

14:52:01 25 A. Yes.

1 Q. What roles do those individuals hold?

2 A. Departments, really. Obviously the ops,
3 the training, the marketing, development, I guess
4 just to name a few. There are specific employees
14:52:34 5 with specific roles and certain teams, if you will.

6 Slick Slide deals with mainly design and
7 development. And then once the -- and installation.
8 Once the equipment that we manufacture is installed
9 by our employees, then it kind of gets passed over to
14:53:02 10 the Slick City side of things, which deals with,
11 like, day-to-day ops, marketing, et cetera.

12 Q. Okay. So is ops -- or maybe there's a few
13 departments that are involved with operational
14 procedures at Slick City?

14:53:23 15 A. Correct. There are several employees there
16 solely dedicated to that.

17 Q. Through their work and other employees, has
18 Slick City Franchise Group implemented procedures
19 that are intended to promote customer satisfaction at
14:53:45 20 Slick City venues?

21 A. Would assume so. I don't have detail on
22 that sort of thing.

23 Q. How about in terms of the training that is
24 provided to a franchisor?

14:54:05 25 A. There's definitely a team of people that

1 are dedicated to that.

2 Q. And -- and what kind of training would they
3 provide to a franchise that's starting up?

4 A. I don't go into those details. I -- that's
14:54:28 5 not my space.

6 Q. Do you consider customer feedback received
7 from Slick City visitors aside from the slides
8 themselves?

9 A. Don't get any feedback one way, shape, or
14:55:01 10 form.

11 Q. Are you familiar with the city support
12 team?

13 A. I'm not.

14 Sounds like you might know more than I do,
14:55:26 15 Craig.

16 Q. Let's -- let's turn back to Slick Slide,
17 LLC, and maybe that will be more -- closer to home.

18 And we can -- we can turn to your
19 declaration for this. I'm looking at the bottom of
14:55:53 20 page 6, particularly paragraph 18.

21 A. Okay.

22 Q. So paragraph 18 says, "Since the launch of
23 its first recreational slide system installations,
24 Slick Slide has generated over 40 million in sales of
14:56:31 25 its recreational slide systems."

1 Did I read that correctly?

2 A. Correct.

3 Q. And so I don't see a timeframe, but that
4 would be going back to the -- the original Launch
14:56:44 5 Slide that we had talked about earlier through -- is
6 it through 2024 or sometime in 2025?

7 A. Sorry, through -- I guess this would be to
8 when I signed the declaration, I assume.

9 Q. You don't have any financial records that
14:57:12 10 are cited here submitted with the declaration; is
11 that correct?

12 A. Not that I can recall.

13 Q. So you're not -- you're not sure what the
14 timeframe is for the sales number?

14:57:34 15 A. I'm not.

16 Q. Okay. How about the sales that are
17 included in this? Does this include global sales?

18 A. Yeah. I think my statement here is base --
19 this -- I'm assuming that this -- based on what I
14:58:08 20 said here, this is just kind of total sales to date
21 of when this was signed. So total revenue in
22 equipment sales to date. That's -- that's how I'm
23 reading it.

24 Q. And so this would include -- or when you --
14:58:32 25 when you talk about total sales, that's all -- of all

1 Slick Slide LLC revenues?

2 A. Correct. Equipment sales.

3 Q. And would that include landing pads, for
4 example?

14:58:57 5 A. It -- it would be hard for me to -- to get
6 that granular; but, yeah, I mean equipment sales is
7 basically -- I mean, our recreational slide systems
8 could or could not include the landing pads. Yeah, I
9 couldn't speak to this exact.

14:59:17 10 Q. How about the tower systems?

11 A. Yeah. Under -- I can -- I can say that
12 when we say slide system, it generally includes a
13 tower that supports the slide, so...

14 Q. And you have a physical copy of the
15 declaration in front of you?

16 A. It's right in front of me, yes.

17 Q. And is there another piece of paper that
18 you're reading from in front of you?

19 A. No. Just what my lawyer gave me, which ws

14:59:54 20 --

21 Q. Is there anything else in front of you?

22 A. -- EX 2033.

23 Q. Is there anything else on the table in
24 front of you?

15:00:02 25 A. No, just a pad of paper and a pen that I

1 brought.

2 Q. Are tower systems included?

3 A. Yeah, I believe I just answered that.

4 Yeah. When we say -- when I say here in my

5 declaration, "in sales of its recreational slide
6 systems," that would generally include a tower as
7 well that supports the slide.

8 Q. Are there any other accessories that Slick
9 Slide sells?

10 A. Not of any significance. You know,
11 obviously, like, some ground railing and mats and --
12 and -- yeah, that's -- that's about -- or like you
13 mentioned, the air track or airbag, potentially.

14 Q. And this would include all -- all of the
15 slide variations that we talked about earlier today?

16 A. Yes.

17 Q. Does it include slick sauce sales?

18 A. No. Generally that is ordered separately.

19 Q. Who -- who -- what do you mean "ordered
20 separately"?

21 A. It's a maintenance item that's really of no
22 significance. So it just kind of -- it's kind of as
23 needed, so if they need it, we -- we provide it.

24 Q. So you've excluded the sale of slick sauce
25 from this number?

1 A. It's a very round number. I can't get that
2 granular, so I wouldn't know.

3 Q. Where did this number come from?

4 A. Probably my CFO when I -- when I asked what
15:02:27 5 our sales were approximately to date. That's why it
6 says, "generated over 40 million."

7 Q. And earlier today you said you didn't speak
8 to him in preparing your declaration, if I recall.

9 A. My CFO? That was a question -- sorry.

15:02:53 10 Q. No, let's take a step back. Who -- who is
11 your CFO?

12 A. Kevin Van Hazel. He's also my business
13 partner.

14 Q. And so he's CFO of Slick Slide LLC and
15:03:17 15 Slick City Franchise Group?

16 A. Correct.

17 Q. So are you revising your earlier testimony
18 when you said that you didn't speak with Kevin Van
19 Hazel in preparing your declaration?

15:04:29 20 A. Not -- no, I'm not. I -- I might have
21 asked him what I thought -- what he thought our
22 approximate sales were to date. I speak to him 12
23 times a day and ask him all sorts of questions. It
24 wasn't in preparation for this declaration or this
15:04:49 25 type -- or this deposition.

1 Q. Okay. So this isn't based on that input
2 from Kevin and not on any financial records that you
3 reviewed?

4 A. He is my financial records.

15:05:38 5 Q. And did he confirm that slick sauce wasn't
6 included in this number?

7 A. No.

8 Q. Do you know what the revenue numbers are
9 for slick sauce?

15:06:01 10 A. Don't. It's so minimal. I don't.

11 Q. Do you know what portion of this sales are
12 directed to Slick City Franchise Group?

13 A. I don't.

14 Q. Would it be a fairly substantial chunk of
15 the sales?

16 A. It's definitely becoming more and more as
17 we grow larger and larger. I would be absolutely
18 guessing.

19 Q. How is that pricing established between
15:06:43 20 Slick Slide LLC and Slick Slide Franchise Group?

21 A. This would be a question for Kevin. So,
22 again, I don't -- I don't know of the exact margin or
23 anything like that. That's what Kevin's for, so I
24 don't have to worry about it.

15:07:10 25 Q. Am I understanding correctly that the

1 seller in those instances would be Slick Slide LLC
2 and the buyer would be Slick City Franchise Group?

3 A. Correct. Or corporate, you know. We
4 purchase from ourselves as well.

15:08:17 5 Q. Are the sale prices or terms different when
6 you're selling to Slick Slide Franchise Group versus
7 a third party?

8 A. I can't speak to that. I'm not sure.

9 Q. Are the sales dollar amounts -- strike
10 that.

11 I can ask -- I can rephrase that.

12 Are there services that Slick Slide LLC
13 offers that generate revenue that are separate from
14 its sales of recreational slide systems?

15:09:24 15 A. No.

16 Q. Are there services that Slick Slide LLC
17 offers that generate revenue?

18 A. Sorry, that generate revenue?

19 Q. Correct.

15:09:48 20 A. Yeah. Just the -- the sale of equipment.

21 Q. I mean in terms of maintenance services or
22 installation services.

23 A. No. The maintenance is -- it's done by
24 the -- the equipment owner or operator, and
15:10:26 25 installation is usually included in the purchase of

1 the equipment.

2 Q. If you jump down a couple paragraphs, the
3 -- paragraph 21 on the next page, the last sentence
4 says, "As of 2025, Slick Slide holds approximately
15:10:53 5 70 percent share of the high-performance dry
6 recreational slide system market."

7 Is that correct?

8 A. Yes.

9 Q. Is the high-performance dry recreational
15:11:09 10 slide system market a subset of the dry recreational
11 slide system market?

12 A. I believe so. I believe it's something
13 that we created and pioneered. When I say
14 70 percent, the other 30 percent are copycats at this
15:11:28 15 point.

16 Q. Is the -- is that a category that's tracked
17 within the family entertainment center market?

18 A. (Inaudible.)

19 (Court reporter requested clarification.)

15:12:05 20 THE WITNESS: I said that would -- that
21 would just be based on my experience and opinion.

22 BY MR. DEUTSCH:

23 Q. You commented, Mr. Schmit, on advertising.
24 I wanted to talk about advertising and better
15:12:43 25 understand your testimony there.

1 If we go -- jump back up to paragraph 17.
2 And, actually, before we -- before we talk about
3 advertising, let's -- let's talk about the revenues
4 that you mentioned in paragraph 17.

15:13:17 5 A. All right.

6 Q. And so in paragraph 17 you said, "For
7 example, in 2024, Slick Slide spent less than 30,000
8 on advertising, while its revenues were at least 12
9 million."

15:13:43 10 In paragraph 17, you didn't qualify those
11 revenues as sales of slide systems or any particular
12 product; is that right?

13 A. Was I supposed to?

14 Q. No. Well, I'm just -- I'm just trying to
15:14:05 15 understand how the -- what -- what's included in the
16 12 million number in paragraph 17 versus what was
17 included or excluded in the 40 million number in
18 paragraph 18. And so in paragraph 18, it's -- it's
19 40 million in sales of recreational slide systems.

15:14:25 20 And so I understand paragraph 17, when it
21 says revenues of Slick Slide, it's talking about
22 total revenues; is that correct?

23 A. Yep.

24 Q. Okay. And in that same sentence, you
15:14:49 25 indicated that "Slick Slide spent less than 30,000 on

1 advertising."

2 What was that advertising directed to?

3 A. That would have been just, like,
4 conventions, IAAPA, IATP, we don't do any marketing
15:15:13 5 other than a convention which we maybe do twice a
6 year.

7 Q. Do you advertise to Slick City Franchise
8 Group?

9 A. No.

15:15:20 10 Q. Why is that?

11 A. Because we're exclusive and we own it.
12 They can't buy from anywhere else.

13 Q. And so in other words, you don't need to
14 advertise to generate a large portion of the 40
15:15:50 15 million in sales below?

16 A. It's definitely over the last couple of
17 years evolved to where we don't even do conventions
18 anymore as of last year. So there's zero dollars
19 being spent on marketing currently because we are
15:16:11 20 vertically integrated and exclusive to our own
21 franchise network.

22 Q. Right. So if you're advertising for those,
23 it's essentially advertising to yourself?

24 A. Exactly, yes. There's just -- there's
15:16:35 25 nowhere else they can purchase from but us when it

1 comes to slides.

2 Q. Let's talk about Slick City. Paragraph 27
3 appears at the bottom of page 8, and it's just under
4 a heading, "A. Marketing and Advertising."

15:17:44 5 Do you see that?

6 A. Yep, I do.

7 Q. And in the second sentence in paragraph 27,
8 the text indicates, "For example, in 2024, Slick City
9 spent less than 5 percent on advertising, while its
10 revenues were over 16 million."

15:18:06 11 Are these revenues the Slick City Franchise
12 Group revenues that you're referring to?

13 A. In 2024, that would be just our corporate
14 parks. There weren't any franchise locations open
15:18:29 15 until 2025.

16 Q. And those are the -- how many locations,
17 corporate locations, were there at the end of 2024?

18 A. I think only three open.

19 Q. Just taking a step back, so there were only
15:19:48 20 three Slick City locations total, irrespective of
21 ownership?

22 A. Maybe four. I could be wrong, but I'm
23 taking a guess here. I think there were three to
24 four open locations like effective January -- or
15:20:05 25 December 31st.

1 Q. There was only -- so only -- there were no
2 franchisee-operated locations until 2025?

3 A. Correct.

4 Q. Do you expect Slick City's advertising
15:20:46 5 spend to change in 2025?

6 I'm sorry, the audio didn't come through.

7 A. So, yes, exponentially. With our growth,
8 we've got 30 to 40 parks slated to open. So, yeah,
9 the advertising spend is going to be going up

15:21:09 10 immensely.

11 Q. Do you know what that percentage number is
12 currently in 2025?

13 A. I don't.

14 Q. What's the marketing obligation on the --
15:21:51 15 under the franchise agreement?

16 A. I believe it's 1 percent for the national
17 fund, which is pretty standard. I could be wrong.

18 Q. And is there another amount of local
19 advertising spend?

15:22:13 20 A. Again, I could be wrong, but I think that's
21 up to the operator.

22 Q. Let's jump ahead to the next section.
23 Begins at the bottom of paragraph 9 -- or, excuse me,
24 page 9, paragraph 32.

15:23:09 25 A. Yes.

1 Q. In paragraph 32 it says, "By 2025, Slick
2 City has expanded to seven company-owned locations
3 and 11 franchise locations across 10 states."

4 Do you see that?

15:23:31 5 A. I do.

6 Q. So does that mean by January 1st, 2025,
7 that Slick City had expanded to seven company-owned
8 locations and 11 franchise locations?

9 A. Yeah. I think this would have been by
15:23:55 10 the -- by the beginning of '25. I don't recall. I
11 know we're a lot more than both of those numbers at
12 this point. So...

13 Q. Well, I'm just trying to understand the
14 meaning of -- of the revenue, what's included in
15:24:22 15 these revenue numbers that you've presented, and the
16 marketing budgets that you've presented. And I'm
17 trying to understand what the timeframe is and
18 what's -- what's included or excluded from those
19 numbers.

15:24:35 20 So do you know how many of those 11
21 franchise locations generated revenue that were
22 included in the 16 million number?

23 A. Forget. I think this would have been --
24 the 16 million is probably just open park. 11
15:25:00 25 franchise locations I think were what was signed at

1 the time that I wrote this. Yeah, I'm forgetting.

2 Q. Okay. So it's unclear what the number of
3 locations were open or that contributed to that
4 revenue?

15:25:19 5 A. I'm -- yeah, I'm having a tough time
6 because this was written a little while ago and so
7 much changing. We're -- we're averaging, you know,
8 4.7 to 5 million per location, so I'm assuming that
9 the 16 million is approximately for -- for three to
15:25:46 10 four open locations, and those are probably 11 signed
11 franchise across 10 states, now that I'm reading it
12 and thinking back.

13 Q. And do you know the -- for a given location
14 -- well, let's -- let's -- I may have misunderstood
15:26:15 15 your answer, Mr. Schmit.

16 So for those -- those 11 franchise
17 locations, either they're newly opened and have some
18 revenue included in the 16 million number or they're
19 not -- they weren't open and are not included in that
15:26:45 20 number. And in both cases, it would have been months
21 of revenue information.

22 A. Yeah, that's -- that's kind of a gray area
23 there between opened and actually generating revenue
24 versus, you know, signed franchise agreements. So,
15:27:07 25 yeah, reading this back and considering the time

1 that's gone on since this was generated, I think that
2 that's -- I'm assuming that's what I meant by this.

3 Q. Do you review quarterly financials on a
4 location-by-location basis?

15:27:30 5 A. We have monthly, but I don't read them at
6 this point; I'll be honest with you. I'm not -- I'm
7 not the numbers guy. I'm the mad scientist behind
8 the scenes.

9 Q. Okay. And so do you -- do you -- are you
15:27:50 10 familiar with the revenue trends of individual
11 locations?

12 A. Can speak the language, yes.

13 Q. For corporate locations, have you ever seen
14 a decline in monthly revenues?

15:28:17 15 A. Yes.

16 Q. Have you ever seen that decline extend for
17 multiple months after an initial opening period?

18 A. Through initial opening period, there's --
19 and this is standard for the industry. There's
15:28:36 20 usually kind of a honeymoon period, and then there's
21 traditionally a little bit of a drop-off and a
22 plateau. It's very seasonal.

23 So it depends on the time of year, the time
24 of opening. There are so many variables that go into
15:28:50 25 that -- that metric. So that's kind of a -- like,

1 the answer to the question is, yes, I've seen
2 drop-offs.

3 Q. And for those franchise locations that you
4 mentioned that may have opened in 2024 or 2025, they
15:29:10 5 haven't been open long enough to see what the plateau
6 recedes to; is that fair?

7 A. It's fair. There -- correction. There
8 wasn't open in '24. The first one -- the first one
9 of five that are now open opened in '25.

10 Q. Let's turn to paragraph 48.

11 A. Okay.

12 Q. What is the fee model for passes at Slick
13 City Action Parks?

14 A. At or above industry standard, and it's
15:31:54 15 market dependent.

16 Q. Let me ask a maybe more clear question.
17 Are passes time based?

18 A. Yes.

19 Q. And so is it the case that passes are
15:32:27 20 purchased for a certain amount of time to be -- to
21 use the attractions?

22 A. Yes. 60, 90, 120, those are minutes, and
23 that's industry standard.

24 Q. And when you say "industry standard,"
15:32:48 25 that's the family entertainment center throughout

1 the --

2 A. That you see, correct. Yes.

3 Q. Does Slick City include nonslide
4 attractions?

15:33:07 5 A. Yes.

6 Q. What -- what types of nonslide attractions
7 would a visitor find at Slick City?

8 A. Standard is our sport courts, which are
9 basically the air track, which is like an inflatable
10 basketball court essentially; dodgeball, which is
11 also played on that same court; soft play, which is
12 for our toddler area, five and under.

13 Sometimes there's a trapeze or a zip line,
14 but definitely not standard. The sport courts and
15 the soft play for the toddler area are mandatory for
16 every park, and then slides, so...

17 Q. Do the seven corporate locations include
18 zip lines?

19 A. Maybe three or four of them. So about
15:34:14 20 approximately half.

21 Q. And they all include air courts, you said?

22 A. Yes.

23 Q. Do the passes allow access to all of those
24 attractions?

15:34:32 25 A. Yeah. We don't have any -- any markup.

1 Well, I'll take that back. We do have a couple
2 locations that have mini go-karts which are an
3 upcharge, so that would be the only incidence where
4 there was any sort of additional fee.

15:35:00 5 Q. Additional attraction fee, you mean?

6 A. Correct.

7 Q. Are there other fees that are associated
8 with a visit separate from the attractions?

9 A. Just socks and food and beverage, et
15:35:14 10 cetera, which is standard.

11 Q. Why do you offer food and beverage at Slick
12 City locations?

13 A. Accounts for 18 percent of our revenue.

14 Q. Do Slick City venues offer event
15:36:58 15 coordinators for hosting group events?

16 A. Yes.

17 Q. Is there dedicated staff to support those
18 events?

19 A. There is, at every park.

15:37:16 20 Q. For the -- for the franchise locations, is
21 that something that's part of the agreement?

22 A. I don't know that, but I -- I don't know if
23 it's part of the agreement, but I assume they are
24 trained on how to do that.

15:37:44 25 Q. And does that help drive consumer

1 satisfaction in terms of hosting an event at a Slick
2 City venue?

3 MR. SCHATZ: Objection. Calls for
4 speculation.

15:37:57 5 THE WITNESS: Yeah, I would assume so, but
6 that's a guess.

7 BY MR. DEUTSCH:

8 Q. I can rephrase that.

9 Do Slick City locations offer that in the
15:38:09 10 interest of helping to drive consumer satisfaction
11 with event hosting?

12 A. Yes.

13 Q. Does Slick City offer merchandise sales
14 besides the socks that you mentioned?

15:38:47 15 A. I don't -- I don't know. I don't know if
16 we do or not.

17 Q. Okay. I was going to ask if -- what
18 percentage of revenue that accounted for, but I think
19 maybe you answered that question too.

15:39:06 20 A. Yeah. I don't -- there might be some
21 locations that sell some shirts or hats or something,
22 but I -- yeah, I don't know how to answer that.

23 Q. You mentioned the family entertainment
24 center market segment, I believe. Here, let --
15:40:21 25 correct me if I'm using the wrong terminology.

1 You talked about family entertainment
2 centers, correct?

3 A. FEC?

4 Q. Yeah. Well, what was the FEC market like
15:40:36 5 in 2020 and, particularly, let's say the second
6 quarter of 2020?

7 A. I can tell you I wasn't involved in it at
8 that point.

9 Q. And I guess what I'm wondering is the, you
15:40:58 10 know, impact on FEC's broader things that were
11 happening in the market like the COVID pandemic and
12 restrictions associated with -- with that.

13 A. Yeah, I didn't really get exposed to the
14 market until 2021 where I started to be involved in
15:41:29 15 it. So I couldn't speak to that.

16 Q. Okay. And then at that point in 2021, did
17 you encounter FECs that were closed or subject to
18 restriction still, or were things back up and running
19 at that point?

15:42:01 20 A. I do remember vaguely, you know, there were
21 certain states that were slow to kind of come out,
22 and that's when we were really -- started kind of,
23 you know, getting involved in stuff like that. So,
24 yeah, it's -- so I was new to it all still at that
15:42:23 25 point.

1 Q. Sure. Are you familiar with how the size
2 of the FEC market changed going from 2020 to 2021 to
3 2022?

4 A. No. I mean, just everyone started doing
15:42:45 5 better coming out of COVID no matter what industry
6 you were in, right?

7 Q. Let's shift gears. We can jump ahead to
8 Section F.

9 A. One more time, sorry? What section?

15:45:03 10 Q. I'm sorry, Section F. This is on page 21,
11 paragraph 73. And Section F continues from paragraph
12 73 through paragraph 83.

13 In that Section F, do you analyze any slide
14 system compared to the features recited in Claim 1 of
15:45:47 15 the '854 patent?

16 A. Can you repeat that, please?

17 Q. Yeah. In Section F, do you analyze any
18 slide system compared to the features recited in
19 Claim 1 of the '854 patent?

15:46:21 20 A. I guess I'm not understanding you, Craig,
21 and I apologize.

22 Q. No, my question -- my question might not be
23 very clear.

24 I guess --

15:46:32 25 A. Is this in relation to number 74?

1 Q. I'm sorry?

2 A. Section F is, you know -- it appears to be
3 about a dozen numbers long.

4 Is there a specific section within F?

15:46:53 5 Q. No, I was just asking about Section F as a
6 whole. And I can try to -- try to clarify the
7 question.

8 Really, I'm just understanding the basis
9 for your opinions in this section. And, you know,
15:47:12 10 the -- the -- in particular, whether your opinions
11 around copying are based on the claims of the '854
12 patent and the features they recite, or more
13 generally competition in this space. Or something
14 else.

15:47:36 15 A. All of the above, frankly. Why do you
16 think I'm sitting next to this guy? If --

17 Q. But you didn't provide any mapping between
18 the claim -- the claims of the '854 patent and any
19 particular product you're talking about in Section F,
15:48:04 20 correct?

21 A. Bribe any? Did I mishear that?

22 Q. Provide any.

23 A. Oh, provide. I'm so sorry. I'm still not
24 understanding, Craig. What -- can you just be more
15:48:20 25 direct, please?

1 Q. Yeah. And we -- we can step through this
2 kind of in a little more piecewise fashion, if that's
3 helpful.

4 So if we look at -- in paragraph 73, you
15:49:05 5 haven't provided any analysis related to Claim 1 of
6 the '854 patent, correct?

7 A. When you say provide analysis -- I'm sorry.
8 I'm still not following you, Craig.

9 Q. Have you identified any features of the
15:49:30 10 '854 patent?

11 A. I've provided everything to my attorneys at
12 their advisement on how to move forward regarding
13 '854.

14 Q. Okay. Understood.

15:51:06 15 MR. DEUTSCH: We've been going for about an
16 hour again. Can we take just a five-minute break,
17 and I think we'll conclude pretty much -- pretty
18 quickly after that.

19 MR. SCHATZ: Okay. If we could do that
15:51:18 20 quickly, Craig. We have still a slim chance to catch
21 our flights. So if we could do that quickly, that
22 would be great. Five minutes at most?

23 MR. DEUTSCH: Sounds good.

24 THE VIDEOGRAPHER: Going off the record at
15:51:36 25 3:51 p.m.

1 (Recess.)

2 THE VIDEOGRAPHER: Back on the record at

3 3:56 p.m.

4 BY MR. DEUTSCH:

15:56:49 5 Q. Welcome back, Mr. Schmit.

6 Did you speak to anyone about the content
7 of your testimony during the break?

8 A. Did not. I used the restroom, and that was
9 it.

15:57:02 10 MR. DEUTSCH: No further questions. Thank
11 you for your time today.

12 MR. SCHATZ: Thanks, Craig. We're going to
13 have a little bit of redirect just for a few minutes.

14 EXAMINATION BY MR SCHATZ:

15:57:15 15 Q. Mr. Schmit, you recall during the
16 cross-examination you were presented with
17 Exhibit 2045, which was a collection of news
18 articles.

19 Do you remember that?

15:57:26 20 A. Yes.

21 Q. Now, am I right, you don't know who created
22 those articles, correct?

23 A. I do not know who wrote them, correct?

24 Q. But did Slick Slide write them?

15:57:42 25 A. No, we provided them.

1 MR. DEUTSCH: Objection. Form.

2 BY MR. SCHATZ:

3 Q. So these are news articles that were -- as
4 best you know, were created by third parties?

15:57:53 5 A. My understanding, yes.

6 Q. Okay. Where did the articles come from to
7 be part of this dispute?

8 A. We provided them to Lou and you.

9 Q. So were those articles a part of Slick
15:58:11 10 Slide's business records?

11 A. Yes.

12 Q. Does Slick Slide, as part of its normal
13 course of business, collect news articles about the
14 Slick Slide business?

15:58:22 15 A. We have staff that does nothing but that,
16 yes.

17 Q. And so is Exhibit 2045 an example of those
18 Slick Slide business records?

19 A. Yes.

15:58:34 20 Q. Moving on to Exhibit 2043, that was a
21 printout of Slick Slide's website.

22 Do you recall that?

23 A. Yes.

24 Q. And do you recall that you were shown
15:58:48 25 several examples of Slick Slide's slide products?

1 A. Yes.

2 Q. Okay. So, for example, you were shown --
3 I'll just list them, a Launch, the Scoop, the Bowl,
4 the Race, the Berm, the Long Jump, the Family, and
15:59:12 5 the Hybrid.

6 Do those all incorporate the technology
7 claimed in the '854 patent?

8 A. All of Slick Slide's slides do, including
9 those.

10 Q. So do all of those slides that I just
11 recited in all of Slick Slide's products have the
12 following features; a nonwet lubricated slide, a ride
13 vehicle with a mesh bottom surface, and a range of
14 coefficient of friction claimed in the '854 patent
15:59:26 15 that is about 0.03 to about 0.2?

15:59:48 16 A. That's correct. Yes.

17 MR. DEUTSCH: Objection to the form and
18 scope.

19 BY MR. SCHATZ:

16:00:01 20 Q. Is it the incorporation of that technology
21 claimed in the '854 patent in the Slick Slide
22 products that is the cause of Slick Slide's success?

23 A. 100 percent.

24 Q. So it's not the geometry of the slides.

16:00:20 25 It's the fact that the slides create or incorporate

1 the technology claimed in the '854 patent that drives
2 product sales?

3 MR. DEUTSCH: Object to the form.

4 (Court reporter addressed simultaneous
16:00:42 5 speaking.)

6 MR. DEUTSCH: Objection to form and scope.

7 THE WITNESS: The slides would not function
8 without '854.

9 BY MR. SCHATZ:

16:00:51 10 Q. In other words, it's not the geometry of
11 the slides that drives sales of those products,
12 correct?

13 A. Correct.

14 Q. It's the fact that those slides incorporate
16:01:02 15 the technology claimed in the '854 patent?

16 A. Yes.

17 Q. Without the technology claimed in the '854
18 patent having been incorporated into those slides,
19 then the slides would not operate properly?

16:01:22 20 A. They wouldn't --

21 MR. DEUTSCH: Objection to form and outside
22 the scope and leading.

23 THE WITNESS: They wouldn't get off the end
24 of the slide.

16:01:28 25 MR. SCHATZ: Great. No further redirect.

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1 Ms. Court Reporter, I'm just going to have
2 my office reach out to you for orders. Okay?

3 THE VIDEOGRAPHER: Counsel, are we
4 concluding?

5 MR. DEUTSCH: Yeah, nothing further. We
6 are concluded.

7 MR. SCHATZ: Thank you very much,
8 everybody.

9 THE VIDEOGRAPHER: This concludes the video
10 deposition. Going off the record at 4:02 p.m.

11 (Whereupon the proceedings concluded
12 at 4:02 p.m.)

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ERRATA SHEET

NAME OF CASE: UATP IP, LLC v. SLICK SLIDE LLC
DATE OF DEPOSITION: NOVEMBER 10, 2025
NAME OF WITNESS: GARY SCHMIT

Reason Codes:

- 1: To clarify the record.
- 2: To conform to the facts.
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DECLARATION UNDER PENALTY OF PERJURY

I, GARY SCHMIT, do hereby certify under penalty of perjury that I have read the foregoing transcript of my deposition taken on November 10, 2025; that I have made such corrections as appear noted on the Deposition Errata Page(s), attached hereto, signed by me; that my testimony as contained herein, as corrected, is true and correct.

This Declaration is executed this _____ day of _____, 20____, at _____, California.

GARY SCHMIT

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I, Tamara Houston, RPR, CCRR, CSR No. 7244,
a Certified Shorthand Reporter in the State of
California, duly empowered to administer oaths, do
hereby certify:

That, prior to being examined, the witness named in the foregoing deposition was by me duly sworn to testify to the truth, the whole truth, and nothing but the truth;

That said deposition was taken down by me in shorthand at the time and place therein named, and thereafter reduced to typewriting by computer-aided transcription under my direction;

That the dismantling, unsealing, or unbinding of the original transcript will render the reporter's certification null and void.

I further certify that I am not interested in the event of the action.

In witness whereof, I have hereunto subscribed
my name.

Zamara L. Houston

TAMARA L. HOUSTON
CSR 7244, RPR, CCRR 140, CRG

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