

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

3
4
5 NICHOLSON MANUFACTURING LTD.

6
7 Petitioner

8
9 v.

10
11 BID GROUP TECHNOLOGIES LTD.

12
13 Patent Owner

14
15
16 Case No. PGR2025-00081

17 U.S. PATENT NO. 12,163,947
18
19

20 Oral deposition of ALAIN
21 GINGRAS, taken at Quebec City Regus, 1020 Bouvier
22 Street, Suite 400, Quebec City, Quebec, Canada,
23 G2K 0K9 on Tuesday, July 7, 2026 beginning at
24 approximately 8:59 EST, before Angela Janssen,
25 C.S.R. and Commissioner of Oaths

A P P E A R A N C E S:

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ALSO PRESENT: David Oxilia - Videographer

Angela Janssen - Court Reporter

I N D E X

WITNESS

ALAIN GINGRAS

Examination by Mr. Danley 5



ESQUIRE
DEPOSITION SOLUTIONS

Nicholson EX-1020, Page 3
PGR2025-00081

Nicholson Manufacturing Ltd. v. Bid Group Technologies Ltd.

800.211.DEPO (3376)
EsquireSolutions.com

1 --- Tuesday, July 7, 2026

2 --- Quebec City, Quebec

3 THE VIDEOGRAPHER: Good
4 morning. Here begins the videotaped deposition
5 off Alain Gingras in the matter of Nicholson
6 Manufacturing Limited versus BID Group
7 Technologies Limited in the United States Patent
8 and Trademark Office. This is case number
9 PGR2025-00081.

08:59:39

10 Today's date is July 7, 2026.

08:59:56

11 And the time on the video monitor is 8:59 a.m.

12 The videographer to is David
13 Oxilia on behalf of Esquire Deposition Solutions.
14 And this deposition is taking place at the Quebec
15 City Regus offices located at 1020 Bouvier
16 Street, Suite 400 in Quebec City, Quebec, Canada
17 postal code G2K 0K9.

09:00:12

18 Would counsel please voice
19 identify themselves and state whom they represent.

20 MR. DANLEY: Jeff Danley from
21 SeedIP for petitioner Nicholson Manufacturing.

09:00:28

22 MR. JOHNSON: Scott Johnson
23 with Fredrikson and Byron on behalf of the patent
24 owner, BID Group Technologies Inc. and with me
25 today is Philippe Brouillette. Did I pronounce

09:00:41



1 that right? Pardon me. Canadian counsel for the
2 same.

09:00:45

3 THE VIDEOGRAPHER: Thank you.
4 And the court reporter today is Angela Janssen on
5 behalf of Esquire Deposition Solutions. She will
6 now swear in the interpreter followed by the
7 witness.

09:00:54

8 INTERPRETER LOUIS CASGRAIN, Sworn to interpret the
9 languages of French and English

10 ALAIN GINGRAS, Sworn

09:01:28

11 EXAMINATION BY MR. DANLEY:

12 Q. Good morning. Could you
13 please state your name for the record?

14 A. My name is Alain
15 Gingras.

09:01:34

16 Q. Mr. Gingras, are you
17 comfortable speaking in English?

18 A. Yes, I am.

19 Q. And you're comfortable
20 that you would understand me if I spoke to you in
21 English?

09:01:42

22 A. Oh, yeah, yeah. If
23 there's something, I gladly use the interpreter,
24 but I use English on regular basis for work or for
25 leisure.

09:01:56



1 Q. Okay. And as you know
2 we do have an interpreter here so if there's any
3 clarification you would like in French, then
4 please feel free to use the services of the
5 interpreter as you need, okay?

09:01:58

6 A. Thank you, yeah.

09:02:08

7 Q. Have you been deposed
8 before?

9 A. No.

10 Q. I assume counsel may
11 have gone over some of this before, but the
12 purpose of today's deposition is for me to ask you
13 questions and for you to answer those questions to
14 the best of your ability, okay?

09:02:19

15 A. Yes, yes.

09:02:30

16 Q. I would ask that we try
17 not to speak over one another because the court
18 reporter is taking down a transcription of
19 everything that's being said and it's very
20 difficult on her if we start talking at the same
21 time.

09:02:43

22 A. Yeah, yeah.

23 Q. So if you can let me
24 finish asking my questions before you answer, I'll
25 likewise try to let you finish your answer before

09:02:52



1 I ask the next question, okay?

09:02:56

2 A. Certainly.

3 Q. From time to time, your
4 counsel may object to some of the questions that I
5 ask.

09:03:05

6 Those objections are for the
7 record and except for those instances that your
8 counsel instructs you specifically not to answer,
9 you can have the counsel lodge his objection and
10 then as long as you can answer the question, I'd
11 ask you please go ahead and provide a response.

09:03:18

12 Okay?

13 A. Yes.

14 Q. And about every hour I
15 will try to take a break. If you need a break
16 beforehand, just let me know. The only thing I
17 ask if there's a question pending, you provide a
18 response or an answer to that question and then we
19 can take a break after that.

09:03:31

20 Okay?

09:03:45

21 A. Sure.

22 Q. What did you do or --
23 did you prepare for today's deposition?

24 A. Yes, I did.

25 Q. And what did you do to

09:03:50



1 prepare?

09:03:51

2 A. Well, I read the patent.
3 I read the Nicholson's objections. I read the
4 response, the BID Group response and I read my
5 notes. Yeah.

09:04:10

6 And I ask a few questions on
7 the internet too, well, maybe fine tune a few
8 elements.

9 Q. Did you do anything else
10 to prepare for today's deposition?

09:04:24

11 A. No.

12 Q. Did you meet with
13 counsel to prepare for today's deposition?

14 A. Yes.

15 Q. When did you meet with
16 counsel?

09:04:35

17 A. Yesterday.

18 Q. For about how long?

19 A. Half a day.

20 Q. Did you and just answer
21 this question or no.

09:04:44

22 Did you review any documents
23 as part of that meeting with counsel?

24 A. I reviewed my documents,
25 yes.

09:04:54



1 Q. And did any of those
2 documents help you refresh your recollection?

09:04:55

3 A. Yes.

4 Q. Which documents helped
5 to refresh your recollection that you reviewed
6 yesterday?

09:05:04

7 A. My deposition. That
8 what we call it? Yeah. The document I written.
9 My deposition?

10 Q. Declaration?

09:05:17

11 A. My declaration, yes.

12 Q. How did reviewing your
13 declaration help refresh your recollection?

14 A. Well, if you look at all
15 the complexities of the systems, well, you take
16 notes and then you write your report. And there's
17 so many variables and complexity that some time,
18 well, we forgot about this part or oh, yeah yeah.
19 But maybe I will talk about that later.

09:05:27

20 But there's a lot of aspect
21 that have to be considered and even today, if you
22 ask me to work on a specific project, you have to
23 refer to your notes. Oh, yeah, I've forgotten
24 about that one.

09:05:47

25 So I mean basically that was,

09:06:04



1 you know, for it.

09:06:05

2 Q. And you said that you
3 had taken notes as well as part of this project.
4 Is that right?

5 A. Yes.

09:06:12

6 Q. Did reviewing your notes
7 help to refresh your recollection?

8 MR. JOHNSON: Objection;
9 misstates the record. You can answer.

10 THE DEPONENT: Could you
11 rephrase this sentence?

09:06:22

12 BY MR. DANLEY:

13 Q. Actually, let me back up
14 just a little bit. Did you review your notes to
15 prepare for today's deposition?

09:06:28

16 A. Yes, I did.

17 Q. And did reviewing your
18 notes help to refresh your recollection?

19 A. Yes.

20 Q. In terms of, like,
21 volume of notes, how much in the way of notes are
22 we talking about?

09:06:37

23 A. A few pages. Not even
24 ten pages.

25 Q. Okay. Have you shown

09:06:49



1 your counsel these notes?

09:06:52

2 A. No.

3 Q. Okay. We ask that they
4 be produced.

5 MR. JOHNSON: We'll take it
6 under advisement, of course, and address it after
7 the deposition.

09:07:00

8 MR. DANLEY: Okay thanks.

9 BY MR. DANLEY:

10 Q. And did any part of your
11 discussion with counsel help to refresh your
12 recollection in preparing for today's deposition?

09:07:05

13 A. Could you repeat that,
14 please?

15 Q. Yeah, just yes or no
16 answer.

09:07:16

17 Did any part of the
18 discussion you had with counsel yesterday, did any
19 part of that conversation help to refresh your
20 recollection to prepare for today's deposition?

09:07:24

21 A. I would say no.

22 Q. Okay. I wanted to talk
23 about your declaration, your preparation and work
24 on the declaration now.

25 How long did it take for you

09:07:52



1 to prepare your declaration?

09:07:53

2 A. To prepare the
3 declaration? If you start from gathering
4 information all the way, if you don't write, but
5 just take notes, but the declaration itself but
6 overall maybe a month or -- yeah, in that range.

09:08:10

7 Q. Do you recall when you
8 were first engaged to write your declaration?

9 A. Exactly not. But it was
10 in April. I would say April, yeah.

09:08:29

11 Q. Okay. And who first
12 contacted you about this project?

13 A. A previous contact I had
14 in the industry that I knew, Bernard Giguere from
15 Comact.

09:08:46

16 Q. Have you -- strike that.
17 How -- strike that too.
18 Have you prepared a
19 declaration before this one?

20 A. No.

09:09:01

21 Q. Do you have any U.S.
22 patents?

23 A. No.

24 Q. How familiar would you
25 say you are with the U.S. patent system?

09:09:17



1 MR. JOHNSON: Objection;
2 beyond the scope. But you can answer. 09:09:20

3 THE DEPONENT: I have no
4 knowledge.

5 BY MR. DANLEY: 09:09:27

6 Q. Okay. So the reason I'm
7 asking is usually there's a portion of the report
8 where the expert provides an explanation of how
9 certain legal terms have been explained to them.
10 And I didn't see that in your report. 09:09:43

11 So do you have a concept, for
12 example, of what the term "anticipation" means in
13 patent litigation?

14 MR. JOHNSON: Objection;
15 beyond the scope. 09:09:59

16 THE DEPONENT: Could you
17 rephrase that?

18 BY MR. DANLEY:

19 Q. Are you familiar in the
20 context of U.S. patents what the term
21 "anticipation" means? 09:10:05

22 A. No.

23 Q. Are you aware in terms
24 of the U.S. patent system what "obviousness"
25 means? 09:10:18

1 MR. JOHNSON: Same objection; 09:10:19
2 beyond the scope.

3 THE DEPONENT: According to
4 the U.S. patent I don't know all the rules so I
5 can't say yes. 09:10:27

6 It's no.

7 BY MR. DANLEY:

8 Q. So in terms of the U.S.
9 patent system, are you aware of what the term
10 "invention" means? 09:10:35

11 MR. JOHNSON: Same objection;
12 beyond the scope.

13 THE DEPONENT: No.

14 BY MR. DANLEY:

15 Q. And did you, turning 09:10:46
16 back to your declaration, did you work on your
17 declaration with counsel? And, again, just a yes
18 or no answer.

19 A. Yes.

20 Q. And who in terms of 09:10:53
21 counsel did you work with?

22 A. I work with Philippe
23 Brouillette.

24 Q. Anyone else?

25 A. Caroline Burke. 09:11:10

1 Q. Anyone else? 09:11:15

2 A. No.

3 Q. In terms of the drafting
4 process, can you describe for me generally how
5 that proceeded? 09:11:22

6 Did you do a first drafted
7 and then --

8 A. Yeah. Yeah, I did the
9 several drafts. I was not directed much, I would
10 say, as how to perform that. 09:11:36

11 At the beginning I had the
12 feeling it would be for not to influence my --
13 what I was saying. And well, it felt
14 uncomfortable all the way. But I can deal with
15 uncomfortable. 09:11:56

16 Q. And I want to turn to
17 your background just very briefly.

18 You mentioned you have
19 practical experience with the wood transformation
20 industry. Can you just describe for me generally
21 what you mean by the term "wood transformation
22 industry"? 09:12:12

23 A. It would be sawmills, as
24 the patent applies and into secondary
25 manufacturing plants. Like, if you manufacture 09:12:26

1 furniture, but mainly regarding material handling,
2 cutting tools to some extent.

09:12:32

3 And a bit about the -- well,
4 I worked a little bit with industrial engineering,
5 not being a great expert in that. But it was a
6 big part of my interest and yeah, it's something
7 that, you know, I was aware of and interested in.

09:12:54

8 But regarding the experience,
9 yeah, the wood industry was the process and yeah,
10 everything that relates to the mechanical aspect
11 because of my background, mechanical engineering,
12 yeah.

09:13:17

13 Q. And when did you get
14 your mechanical engineering degree?

15 A. In 1984.

09:13:28

16 Q. And have you worked in
17 the wood transformation industry since that time?
18 Since obtaining your degree?

19 A. Yes. Yes, I've worked
20 all my career in that field, yes.

09:13:37

21 Q. And going back to your
22 education as a mechanical engineer, did you take
23 any classes related to computer programming?

24 A. Yes.

25 Q. How many classes, if you

09:13:59



1 can remember?

09:14:00

2 A. Well, I took
3 certainly -- well, it was an optional APL. And
4 before that, a bit from passion, but yeah, at
5 least two certainly at university level, yeah.

09:14:18

6 Q. And in your experience
7 over the past 40 plus years in the industry, have
8 you gained additional experience with computer
9 programming?

10 A. A little, yes.

09:14:35

11 Q. And in what respect have
12 you gained additional experience?

13 A. Well, when computers
14 were available, you'd have spreadsheet that could,
15 you know, record operations. So you would end up
16 stacking commands and you could automate the
17 calculation of this or that so it would speed up,
18 you know, calculation.

09:14:47

19 Q. Is there a particular
20 program that you were using for that process?

09:15:02

21 A. It was Excel back then;
22 the macros in Excel. And I did a bit of Assembler
23 but just by passion.

24 Q. So are you familiar with
25 the term "Programmable Logic Controller"?

09:15:14



1 A. I've had training about 09:15:18
2 PLC when I was working for a sawmilling group,
3 yes.

4 Q. How long ago was that?

5 A. It was 19 -- let's say, 09:15:28
6 in 19 -- before 1989. Maybe 1985, six, seven or
7 eight.

8 In that -- when I worked for
9 my first employer, they wanted you to learn about
10 PLC, yeah. 09:15:48

11 Q. Have you used PLC's
12 since then in your professional experience or job?

13 A. Used? No. I knew what
14 it could do. And we had technician that would
15 take that part of the -- I would look after the 09:16:03
16 mechanical part but I knew these guys would
17 program sequences and what you needed to have an
18 operating system, machine that would work from
19 those instructions.

20 Q. Are you familiar with 09:16:26
21 artificial intelligence or AI?

22 A. Familiar? No.

23 Q. Do you have any
24 experience in AI?

25 A. No. 09:16:34



1 Q. So a portion of the
2 patent does relate to AI. So when you were
3 reading that portion of the patent, did you have
4 an understanding of what was being described?

09:16:41

5 A. I had an understanding
6 of what was being described, yes.

09:16:51

7 Q. And what was that
8 understanding?

9 MR. JOHNSON: Objection to
10 form. You can answer.

09:16:58

11 THE DEPONENT: From -- I
12 would say a little while ago we learned that Deep
13 Learning was a way for computers to do complex and
14 maybe take decisions that maybe only a human could
15 do, certain of them and then we learn about the
16 term IA [sic].

09:17:22

17 Familiar is something that --
18 well, I know about it but to be familiar, I know
19 there's Chat and Claude and maybe Perplexity. But
20 I have them. I use them some time, but that's
21 about it.

09:17:42

22 BY MR. DANLEY:

23 Q. Have you ever used any
24 of the AI platforms as part of your job?

25 A. AI platform.

09:17:54

1 Q. Claude, Chat GPT,
2 anything like that as part of your professional --

09:17:58

3 A. Yes, yes, yes.

4 Q. And in what way?

5 A. Notebook LM allows you
6 to resume documents and it's kind of a closed
7 environment and you can put the documents you want
8 to analyze and it will do a resum for you. And
9 yeah, you can ask questions and it's a great tool.

09:18:10

10 Q. Have you ever used Deep
11 Learning or an AI platform to analyze photographs
12 or pictures?

09:18:45

13 A. No.

14 Q. And so you've never used
15 AI or Deep Learning to provide characterizations
16 of logs, for example?

09:18:56

17 A. No.

18 Q. Have you ever worked at
19 BID Group before?

20 A. No.

09:19:20

21 Q. Have you ever worked at
22 any of BID Group's affiliates?

23 A. I worked for a company
24 that was purchased after I left, Maxi-Tour, which
25 is listed in my declaration, yeah.

09:19:31



1 Q. Have you ever done any 09:19:35
2 projects as a consultant for BID Group or any of
3 its affiliates?

4 A. Project consulting?

5 Q. Yeah. 09:19:44

6 A. Not that I can recall.

7 Q. About how many hours
8 have you worked as part of this project?

9 A. I worked -- I billed
10 30 -- 30, 30, 30, 30 some odd hours. It's not 40 09:20:01
11 for this prior to today and yesterday.

12 Q. And if my math is right,
13 that's about \$4500, more or less?

14 A. 30 times -- yes. Yes,
15 yes, yes. Yes, yes. 09:20:28

16 Actually, my billing was just
17 bill out 5000. Yeah, it was. Thirty-three hours
18 I think, yeah.

19 Q. So I'm going to hand you
20 two documents. One is previously marked as 09:20:53
21 Exhibit 2034.

22 Sorry, I don't have extra
23 copies.

24 MR. JOHNSON: That's okay. I
25 think I have it. Is this his declaration? 09:21:06

1	BY MR. DANLEY:	09:21:10
2	Q. And Exhibit 1001 which	
3	is the patent.	
4	MR. JOHNSON: Just give me a	
5	second to pull that up. Yeah, I've got it.	09:21:20
6	Too many documents in the	
7	file you know.	
8	BY MR. DANLEY:	
9	Q. Tell me when you're	
10	ready.	09:21:49
11	A. Pardon me?	
12	Q. Just let me know when	
13	you're ready.	
14	A. I'm all right, yeah.	
15	Q. Do you recognize	09:21:54
16	Exhibit 2034?	
17	A. 2034? Yes. Yes. Yes.	
18	Yes. Yes.	
19	Q. And what is that	
20	exhibit?	09:22:02
21	A. This is my declaration.	
22	Q. And since submitting	
23	your declaration, are there any changes that you	
24	would like to make or corrections, modifications	
25	to your declaration?	09:22:14

1 A. No. 09:22:16

2 Q. And does your
3 declaration provide the full extent of the
4 opinions that you are going to be providing for
5 this matter? 09:22:24

6 A. Yes.

7 Q. So if you look at
8 paragraph number two -- or actually, strike that.
9 In Exhibit 1001, are you --
10 does that look familiar to you? 09:22:38

11 A. Yes.

12 Q. What is Exhibit 1001?

13 A. It's the patent of BID
14 Group.

15 Q. And if I refer to the 09:22:46
16 '947 Patent, you understand it's the patent
17 that --

18 A. Yeah. Yeah.

19 Q. So if you turn back to
20 Exhibit 2034. If you look at paragraph number 09:22:55
21 two, you say that part of what you are providing
22 is an opinion on the effects of the technology
23 described in the '947 Patent.

24 Do you see that?

25 A. Provide my opinion -- 09:23:12



1 yes.

09:23:14

2 Q. And so can you describe
3 for me what your understanding is of the
4 technology in the '947 Patent?

5 A. Yes. The system that is
6 described in the patent and I was asked to provide
7 my opinion about is a system that detects log
8 characteristics from a lengthwise scanner and that
9 analyze with IA, the image it sees. And look into
10 a decision table to, to find the right parameters
11 for the debarker. And it is sent to the debarker
12 to perform the task that is needed for that
13 specific log.

09:23:24

09:24:00

14 Q. You mentioned "log
15 characteristics".

09:24:29

16 Can you describe for me what
17 you meant by the term "log characteristics"?

18 A. Log characteristics in
19 this case would be species, moisture, if there
20 would be a big knots or bulges or defects of shape
21 in the logs, diameters. species as well, yeah.

09:24:44

22 Q. Anything else?

23 A. No. Species, yeah,
24 dimensions, big defects, and diameters, yeah.

25 Q. And these log

09:25:32



1 characteristics, are they characteristics that had
2 been measured or identified before the '947
3 Patent?

09:25:33

4 MR. JOHNSON: Objection to
5 form.

09:25:49

6 THE DEPONENT: Could you
7 rephrase the question, please?

8 BY MR. DANLEY:

9 Q. Yes. So what I'm trying
10 to understand is that the log characteristics that
11 you just listed; species, moisture, diameter,
12 knots, are those characteristic that people in the
13 industry would identify or measure before the '947
14 Patent was filed?

09:25:57

15 A. Yes.

09:26:19

16 Q. And how would people in
17 the industry identify the tree species?

18 A. If you have experience
19 person, you can check the bark of the fir from the
20 spruce.

09:26:41

21 Q. So you somewhat visually
22 look at the log and identify the species, is that
23 correct?

24 A. For some species, yeah,
25 yeah, yeah.

09:26:52



1 Q. And how was the moisture
2 determined or measured?

09:26:55

3 A. The moisture you can see
4 if it's really dry, then nothing would stick. If
5 it's a little moist, then, well, some material,
6 loose material would have tendency to stick.

09:27:07

7 If it's quite wet -- well, on
8 the pictures in my declaration you see it is quite
9 moist from the image. So I mean, yeah, this is
10 the way we see that.

09:27:25

11 Q. And that was something
12 that people did, people in the industry did before
13 the '947 Patent was filed, they could look at the
14 log and see -- determine how moist the log was?

15 A. It wouldn't determine
16 how moist. If you have a pound, well, it's
17 obvious because you have to soak. In many mills
18 that process fir, and -- but you wouldn't assess
19 for production reason, you know, what was the
20 moisture today on the normal operation course.

09:27:42

21 Q. You said you wouldn't
22 assess for production reason the moisture today.

09:28:09

23 A. Pardon me?

24 Q. The transcript says you
25 would not assess for production reason what the

09:28:25

1 moisture today on the normal operation. Is that
2 accurate?

09:28:28

3 A. Yes.

4 Q. Okay. In terms of the
5 diameter, before the technology of the '947 Patent
6 was described, how was the diameter measured in
7 the industry?

09:28:43

8 A. Oh, we had rows of
9 photocells that could be used to approximate and
10 now we have scanners who can, for primary or
11 secondary breakdown in the sawmill, measure the
12 dimensions quite accurately.

09:29:00

13 Q. How would the photocells
14 work to measure the diameter?

15 A. Well, if you have a
16 conveyor, you can stick a strip of photocell and
17 as soon as they block, you see how many are
18 blocked and you can have some accuracy.

09:29:16

19 But with scanners, you can,
20 well, at Comact we have a lot of system that they
21 can, you know, point the external diameters and
22 someone with today's -- with an ordinary camera,
23 picture, can have a grid that's on the ground and
24 you can only stick the board on top of it and with
25 numbers you can read directly what the diameter

09:29:29

09:29:50

1 would be.

09:29:53

2 Q. And how long had
3 photocells, for example, been used in the industry
4 to measure the diameter?

5 MR. JOHNSON: Objection;
6 beyond the scope. Can you answer.

09:30:00

7 THE DEPONENT: Photocells
8 have been used in the 1980 it was there. So at
9 least 40 years. Yeah.

10 BY MR. DANLEY:

09:30:16

11 Q. Would you consider
12 photocells to be a non-contact method for
13 measuring the diameter of a log?

14 A. Yes.

15 Q. And how are knots or
16 bulges identified by people in the industry before
17 the '947 Patent?

09:30:28

18 A. Visually.

19 Q. So if you can turn to --
20 strike that.

09:31:06

21 Before you reviewed the '947
22 Patent, had you reviewed any patents previously?
23 Just in terms of your job?

24 A. Yes, yes, yes.

25 Q. How many patents had you

09:31:19



1 reviewed, roughly as part of your job?

09:31:20

2 A. Not even ten I would
3 say.

4 Q. When is the last time
5 you reviewed a patent before this project?

09:31:30

6 A. In the course of my
7 previous job I would say, but I've been retired
8 for six years I think. At least six years, yes.

9 Q. And can you turn to
10 paragraph 14 of your declaration?

09:32:20

11 A. Yes.

12 Q. In paragraph 14 you talk
13 about the Bark Scanner? Do you see that?

14 A. Yes.

15 Q. What is the Bark
16 Scanner?

09:32:40

17 A. The Bark Scanner is the
18 system that takes the image of the log and
19 generates the -- no, the scanner itself will
20 generate the image for the IA to provide the
21 solution for the optimization system.

09:33:07

22 Q. Is the -- just so the
23 record is clear, when you say "IA", is that AI?
24 Or is that artificial intelligence?

25 A. Yeah, yeah. Sorry.

09:33:33

1 Q. That's fine. I just 09:33:34
2 want to make sure the record is clear.
3 A. Sure.
4 Q. Is the Bark Scanner the
5 commercialized product being offered by BID Group? 09:33:41
6 A. To my knowledge, yes.
7 Q. And leaving the report,
8 you say you physically inspected one of the bark
9 scanners, is that right?
10 A. Yes. 09:33:59
11 Q. Are you familiar with
12 what the claims are in the patent?
13 A. Yes.
14 Q. And the '947 Patent has
15 a set of claims at the end, is that right? 09:34:12
16 A. Has a -- sorry?
17 Q. The '947 Patent has a
18 set of claims at the end, isn't that right?
19 A. Set of claims at the
20 end. Yes. Yes, yes, yes. 09:34:22
21 Q. They're numbered;
22 numbered paragraphs starting on column eight.
23 A. Pardon me? Column
24 eight?
25 Q. Yeah, column eight. 09:34:44

1 A. Yes. 09:34:48

2 Q. Did you review the
3 claims as part of your work on this project?

4 A. Yes.

5 Q. What's your 09:34:57
6 understanding of what the claims are?

7 MR. JOHNSON: Objection;
8 beyond the scope of the declaration. You can
9 answer.

10 THE DEPONENT: Yeah, it's 09:35:17
11 what I said before.

12 It's a scanner, a system
13 that's composed of a scanner that would take a
14 scan of a log and with IA will decide what are the
15 characteristic of the log in order to retrieve the 09:35:33
16 proper recipe to control the parameter or spinning
17 wheel and the feeding speed and pressure on the
18 tool.

19 Yeah, to be able to know what
20 you -- what's coming into the machine to prevent 09:35:58
21 wrong quality or over quality in the process.

22 BY MR. DANLEY:

23 Q. Actually, my question
24 was a little more general than that. I wasn't
25 talking about specifically the claims in the '947 09:36:15

1 Patent.

09:36:18

2 What I wanted to get an
3 understanding of is: What is your understanding
4 generally of what the claims are in the patent?

5 MR. JOHNSON: Objection to
6 form. You keep saying "the patent" so I think
7 he's looking at that patent.

09:36:29

8 BY MR. DANLEY:

9 Q. Oh, so generally, just
10 patents in general --

09:36:37

11 A. Yes.

12 Q. -- they end with a set
13 of claims.

14 A. Yes.

15 Q. So what's your
16 understanding of what the claims are?

09:36:41

17 A. My understanding of the
18 claim is to protect the technology there and to
19 make sure it doesn't infringe -- well, I suppose,
20 it might be for not infringing but actually to
21 protect what's been invented.

09:36:55

22 Q. And where did that
23 understanding come from?

24 MR. JOHNSON: Objection;
25 beyond the scope.

09:37:07



1 THE DEPONENT: What does this
2 understanding come from? Well, from the reading
3 of all the documents.

09:37:11

4 Yeah, well, from reviewing
5 those documents you realize that you have to make
6 it formal of what you patent and you state what
7 you're going to do and how you're going to do it.

09:37:22

8 BY MR. DANLEY:

9 Q. Did anyone explain to
10 you what the purpose of claims are in patents?

09:37:42

11 MR. JOHNSON: Objection to
12 form.

13 THE DEPONENT: No, no.

14 BY MR. DANLEY:

15 Q. And you were talking
16 about, I think, parameters for the debarking
17 machine.

09:37:51

18 Can you describe for me what
19 those parameters are?

20 A. As I said before, the
21 parameters would be the feed speed, the speed at
22 which the log goes through the machine, the speed
23 of the cutting tools, and the pressure applied on
24 those cutting tools, debarking tools, if you
25 prefer, yeah.

09:37:59

09:38:24



1 Q. And are those parameters
2 specific to ring debarkers?

09:38:27

3 A. Specific to -- if I look
4 at spinning, well, the head have a different, it's
5 a grinding wheel that's -- the system is
6 different.

09:38:54

7 I would say yes, are unique,
8 but one can argue that on the Rosserhead, the
9 speed of the grinding wheel can -- well, be
10 transposed into -- but in the debarker, in the
11 ring debarker there are other aspect that you have
12 to account for because as the tool open, they are
13 further from the centre, so the centrifugal force
14 will increase so it's something you have to
15 account for.

09:39:22

09:39:43

16 Q. In your understanding of
17 reading the '947 Patent and your experience in the
18 industry, is the '947 Patent restricted to any
19 particular type of debarker or debarking machine?

20 MR. JOHNSON: Objection to
21 form; beyond the scope.

09:40:09

22 THE DEPONENT: I don't know.
23 If I tried to review, for me it was obvious it was
24 for ring debarkers. It wouldn't apply for drum
25 debarkers, for Rosserhead. It's never been up to

09:40:37



1 working standing alone so it wouldn't apply, no.
2 No.

09:40:45

3 BY MR. DANLEY:

4 Q. And in your review of
5 the '947 Patent, did you see any parameters for
6 debarkers that someone in the industry would not
7 have already been aware of?

09:40:55

8 A. Parameters? No.

9 Q. And in your review of
10 the '947 Patent did you see any combinations of
11 parameters for debarker machines that somebody in
12 the industry would not have already been aware of?

09:41:28

13 MR. JOHNSON: Objection;
14 beyond the scope.

15 BY MR. DANLEY:

09:41:40

16 Q. Been aware of when the
17 '947 Patent was filed.

18 MR. JOHNSON: Same objection;
19 beyond the scope.

20 THE DEPONENT: Could you
21 rephrase that, please?

09:41:47

22 BY MR. DANLEY:

23 Q. Yes.

24 So you testified that the
25 parameters individually are parameters that

09:41:50



1 someone in the industry would have already been
2 familiar with.

09:41:55

3 What I'm asking now is, is
4 there any combination of those parameters
5 described in the '947 Patent that someone in the
6 industry would not have already been aware of when
7 that patent was filed?

09:42:06

8 MR. JOHNSON: Objection;
9 beyond the scope.

10 THE DEPONENT: Aware of. No,
11 people would all be aware of those, yes.

09:42:16

12 BY MR. DANLEY:

13 Q. So if you look at,
14 again, paragraph 14 of your report. Towards the
15 end you state your opinions primarily are formed
16 based on first-hand observation of BID Group's
17 machine, the Bark Scanner, which practices the
18 invention of the '947 Patent.

09:42:45

19 Do you see that?

20 A. Yes.

09:43:03

21 Q. What did you mean by the
22 term "invention"?

23 A. It's the materialization
24 of what's described in the patent, all the
25 mechanical systems and what's existing.

09:43:17



1 Q. Well, I guess the part
2 that I'm trying to understand is you previously
3 testified that you don't know -- that you're not
4 aware of what the term "invention" means with
5 respect to U.S. patents. Is that right?

09:43:20

6 A. With respect to the U.S.
7 patent, yes.

09:43:33

8 Q. I'm trying to understand
9 when you use the term "invention" here in your
10 declaration, what are you referring to? What is
11 the meaning of that term?

09:43:43

12 MR. JOHNSON: Objection;
13 asked and answered.

14 THE DEPONENT: I told you
15 that I'm not aware of what "invention" means in
16 terms of what the U.S. patent states.

09:43:51

17 It might be a little thing
18 that, you know, one guy has overlooked. But to
19 me, the invention is something that is new. And
20 something that normally people would have a patent
21 to protect it, not necessarily one can invent
22 something.

09:44:16

23 For me, an invention is
24 something that is new and nobody has thought of
25 before.

09:44:31

1 BY MR. DANLEY: 09:44:31

2 Q. And in your opinion,
3 what is the invention in the '947 Patent?

4 MR. JOHNSON: Objection;
5 beyond the scope. 09:44:39

6 THE DEPONENT: The invention
7 is the fact that they were able to provide a
8 system that would really alleviate the task of
9 performing debarking by addressing the proper
10 issues that one has to deal with in the course of 09:45:04
11 diverse and challenging operations in the
12 sawmilling industry.

13 BY MR. DANLEY:
14 Q. So when you say
15 "addressing the proper issues", what issues are 09:45:36
16 you referring to?

17 A. What issues I'm
18 referring to?

19 Q. Mm-hmm.

20 A. In order to provide the 09:45:47
21 proper operation of any part, you have to account
22 for, well, what's measured with the system, but
23 it's got -- the system have to be reliable and can
24 be maintained and affordable to some extent and to
25 perform the quality for the end product and the 09:46:18

1 bi-products according to what is expected from
2 your customers.

09:46:25

3 Yeah, so the challenges would
4 be operating with all the conditions mud, snow,
5 freezing, crooked logs, burnt logs. It's so
6 diverse and it's always something that has stunned
7 me. And you think you thought of everything, but
8 then oops, yeah.

09:46:45

9 So in this case, yeah, it can
10 handle those probably what it's designed for I
11 would say.

09:47:08

12 Q. So couldn't logs be
13 analyzed by people or by other technology before
14 the invention or before the '947 Patent was filed?

15 A. Absolutely.

09:47:38

16 Q. So what's different
17 about the '947 Patent in your opinion?

18 A. Well, a log can be
19 assessed, but in order to take the right decision
20 and send that decision to the machine in a timely
21 manner, at a cost and complexity that would be
22 affordable because you have to have maintenance on
23 those. It's quite a challenge to produce a piece
24 of equipment. When you start in the business you
25 just do minimal jobs, and then after a while you

09:47:52

09:48:19



1 can do a little bit, you can work a little bit on
2 transformation machines.

09:48:23

3 But if you go from scratch,
4 you got to be quite confident in what you're doing
5 or have a lot of experience and skilled people.

09:48:34

6 Q. So is it fair to say the
7 '947 Patent allows decisions to be made faster
8 than previously?

9 MR. JOHNSON: Objection to
10 form; beyond the scope.

09:48:47

11 THE DEPONENT: The '947 will
12 allow decisions to be made faster? Sorry? Can
13 you rephrase that again?

14 BY MR. DANLEY:

15 Q. So you said part of what
16 the -- in your opinion, part of what the invention
17 is in the '947 Patent is it allows decisions to be
18 made in a more timely manner.

09:48:58

19 So my follow-up question is:
20 Is it accurate to say that the '947 Patent allows
21 for decisions to be made more quickly or faster
22 than they could in the past?

09:49:09

23 MR. JOHNSON: Same objection;
24 beyond the scope.

25 THE DEPONENT: Same decision

09:49:25



1 faster? It wouldn't be the same decision, no. 09:49:26

2 BY MR. DANLEY:

3 Q. And how so?

4 A. In the past you wouldn't
5 assess all of the issues before debarking. If you 09:49:33
6 have a defect, you just go with it.

7 So the system takes quick
8 decisions, but you wouldn't take all these -- you
9 wouldn't consider all these parameters. In the
10 past, as I mentioned before, one might not assess 09:49:56
11 the moisture on a continuous basis on a regular
12 basis.

13 You know what your log, the
14 log that you bought, if they've been standing
15 there for a while, they're dry. But you don't 09:50:08
16 assess exactly. So the system will take fast
17 decisions for all the parameters but previous to
18 that, no. Nobody would, yeah.

19 Q. That's because there
20 wasn't time enough to do that. Is that right? 09:50:25

21 MR. JOHNSON: Objection to
22 form; beyond the scope.

23 THE DEPONENT: No, because
24 the system, I would say goes beyond because, yeah,
25 before that you wouldn't do the same analysis. 09:50:44

1 You would do them, but not in
2 order to do something, you know, specific log by
3 log afterwards.

09:50:48

4 BY MR. DANLEY:

5 Q. So in your review of the
6 Bark Scanner machine, did you compare the claims
7 of the '947 Patent to the Bark Scanner?

09:50:56

8 A. Yes, but not all of
9 them.

10 Q. So did you -- strike
11 that.

09:51:29

12 So did you compare Claim 1,
13 for example, to the Bark Scanner?

14 A. Yes. Yes. Yes. Claim
15 1 -- let me, well -- yeah, yeah, yeah.

09:51:45

16 Q. And what was the result
17 of your analysis of comparing Claim 1 to the Bark
18 Scanner?

19 A. Comact have been doing
20 optimization for decades. (Check name) and when
21 you realize that they put a system like that in a
22 debarker and they state that, well, they take a
23 measurement and then they use a computer to do
24 some -- retrieve some recipes and use IA. You
25 look at all the steps and all the system and if

09:52:17

09:52:43

1 you look, when I did visit the machine, the
2 sawmill, I saw the man-machine interface and the
3 people operating would explain all the tabs that
4 relate to every aspect of the system to fine tune
5 everything.

09:52:49

09:53:08

6 So from previous knowledge
7 about optimization system, not that I'm an expert,
8 but normally, you scan and you go with a recipe to
9 perform, if I take a sawing line to saw according
10 to curve to make sure you -- and then, if you
11 could collect more data, like in this case, you
12 could feed the machine more or less slowly
13 depending on the species, the state, or the
14 dryness in order to salvage your tools.

09:53:31

15 And one part that is very
16 important is: This is a very sturdy machine. The
17 debarkers have to be very sturdy. So one part of
18 the solution is to be able to perform the task but
19 also to perform it all day long with no
20 interruption. So that's one of the key issues.

09:53:49

09:54:10

21 You can make something very,
22 very nice but it's been a challenge all over the
23 years to be able to have a fast machine that will
24 salvage but be gentle with the fibre. But in case
25 you have a tree that has a big bump on it, you

09:54:32

1 might just destroy or have it break down.

09:54:35

2 So this is why -- this is how
3 and why these things are designed and to me, you
4 know, just the Claim 1 resumes what this is and
5 what this should be to my opinion.

09:54:58

6 Q. In prior systems before
7 the '947 Patent was filed, it was possible to
8 measure the diameter of a log, right?

9 A. Prior? Yes, absolutely,
10 yeah.

09:55:35

11 Q. And when you measured
12 the diameter of the log, isn't it true you'd use
13 that information in setting the parameters for the
14 ring debarker?

15 A. Yes.

09:55:47

16 Q. And which parameters
17 would be modified based upon the diameter?

18 A. I have to -- I would
19 have to recheck. But if you have a large log, you
20 cannot remove as much material. So one might
21 decrease the feed speed in order to allow the
22 tools to do -- remove all the needed material.

09:56:14

23 Q. Any other parameters
24 that might be changed based upon the diameter?

25 A. Tooth pressure.

09:56:32

1 Q. And did -- strike that. 09:56:41

2 In previous systems, debarker
3 machines that were available before the '947
4 Patent, did they include PLC's?

5 A. Yes. 09:56:57

6 Q. What were the PLC's used
7 for?

8 A. The PLC's will gather
9 the information of the cells to locate the
10 position of the log. 09:57:10

11 So they could -- Nicholson
12 had a patent, they could just decrease shortly the
13 pressure as the tool engaged with the logs to
14 prevent, you know, shocks or heavy stress on the
15 tools. 09:57:27

16 Q. And so if I understand
17 this correctly, the PLC would take the measurement
18 from the photocells that indicates the diameter,
19 use that information to provide the parameters to
20 the debarking machine for pressure, so that 09:57:41
21 the log --

22 A. Feed speed.

23 Q. -- feed speed, so the
24 debarking of the log was optimized; is that right.

25 MR. JOHNSON: Objection to 09:57:56

1 form; beyond the scope.

09:57:57

2 THE DEPONENT: Optimize,
3 yeah, how optimized you could get it with this
4 system, yeah. Nothing it perfect. The system is
5 not perfect neither, but yeah.

09:58:06

6 BY MR. DANLEY:

7 Q. Do you know how the PLC
8 would store the parameters that it would then
9 provide to the debarking machine in that
10 situation?

09:58:19

11 A. Could you rephrase that?

12 Q. Yeah. So you say
13 that -- or strike that.

14 So I'm just trying to
15 understand how the PLC's in these prior art
16 systems would take the measurement of the diameter
17 and determine what the parameters for the
18 debarking machine would be?

09:58:27

19 So, for example, did the PLC
20 have a table stored where it would match diameter
21 to certain parameters?

09:58:47

22 MR. JOHNSON: Objection to
23 form and beyond the scope.

24 THE DEPONENT: I couldn't
25 tell how PLC would exactly store the information,

09:58:58



1 no. 09:59:08
2 BY MR. DANLEY:
3 Q. We've been going for
4 about an hour if you want to take a break?
5 A. Sure. 09:59:14
6 Q. Okay.
7 THE VIDEOGRAPHER: Going off
8 the record at 9:58 a.m.
9 --- Whereupon short break taken at 9:58 a.m.
10 --- Upon resuming at 10:10 a.m. 09:59:24
11 THE VIDEOGRAPHER: Going back
12 on the record at 10:12 a.m.
13 BY MR. DANLEY:
14 Q. Mr. Gingras, before we
15 took the break, we were talking about a prior 10:13:25
16 system that could use the photocells, photo
17 sensors to detect diameter and change the
18 operating parameters of a debarking machine based
19 upon those measurements.
20 So my question is: How does 10:13:38
21 the technology or the invention in the '947 Patent
22 differ from that type of system?
23 MR. JOHNSON: Objection to
24 form; beyond the scope.
25 THE DEPONENT: The broad 10:13:53

1 range of measurement or characteristic how they
2 call it that are assessed or measured prior to the
3 debarking.

10:13:54

4 The photocell and pressure
5 system is just a small part of a system that was
6 developed by Nicholson, I think. I don't know if
7 they were the first to do that, but it's a way to
8 alleviate the, you know, shocks and pressure on
9 the equipment.

10:14:13

10 BY MR. DANLEY:

10:14:34

11 Q. So other than the broad
12 range of characteristics, were there any other
13 differences in your opinion between that prior
14 system and the system described in the '947
15 Patent?

10:14:45

16 MR. JOHNSON: Same objection;
17 beyond the scope.

18 THE DEPONENT: Yeah, yeah,
19 yeah. The system is, I would say, way more
20 complex.

10:14:57

21 BY MR. DANLEY:

22 Q. How so?

23 MR. JOHNSON: Same
24 objections.

25 THE DEPONENT: Well, you

10:15:02



1 don't analyze images and assess species and local
2 defects. If you have local defects, a bunch of
3 knots, you would see it, you might relieve the
4 pressure on the tools, but not in a way that would
5 be done with the '947 Patent, yeah.

10:15:04

10:15:32

6 BY MR. DANLEY:

7 Q. And is this additional
8 complexity allowed because of the use of AI in the
9 '947 Patent?

10 MR. JOHNSON: Objection to
11 form; beyond the scope.

10:15:52

12 THE DEPONENT: Can you
13 rephrase that please.

14 BY MR. DANLEY:

15 Q. Yes. Isn't it true when
16 you're talk about this additional complexity in
17 the '947 Patent, that that additional complexity
18 is allowed because of the use of artificial
19 intelligence or Deep Learning as it's implemented
20 in the '947 Patent?

10:15:55

10:16:08

21 MR. JOHNSON: Same objection;
22 beyond the scope.

23 THE DEPONENT: Not
24 exclusively, no.

25 BY MR. DANLEY:

10:16:14



1 Q. What else would allow 10:16:14
2 for this greater complexity?

3 MR. JOHNSON: Same objection.

4 THE DEPONENT: Let me read.

5 Oh, well there would be the training method of the 10:16:43
6 IA, certainly, at least.

7 BY MR. DANLEY:

8 Q. Anything else?

9 MR. JOHNSON: Same objection;
10 beyond the scope. 10:17:00

11 THE DEPONENT: Can we
12 rephrase? I'm just trying to concentrate. Can
13 you rephrase the question, please?

14 BY MR. DANLEY:

15 Q. Yes. So you're talking 10:17:28
16 about one of the differences between this prior
17 system that used photo sensors and the technology
18 described in the '947 Patent was that the
19 technology described in the '947 Patent had
20 greater complexity. 10:17:40

21 And so you said that there
22 were other things besides the AI that provided
23 that greater complexity.

24 So my question is: What
25 other things besides AI provide for this greater 10:17:52

1 complexity in the '947 Patent?

10:17:56

2 MR. JOHNSON: Objection;
3 beyond the scope.

4 THE DEPONENT: I would say
5 that retrieving the proper recipe for that log
6 from a table, I don't think this was previously
7 done for debarking.

10:18:15

8 BY MR. DANLEY:

9 Q. You said previously that
10 you -- strike that.

10:18:35

11 You said previously that
12 PLC's were used in debarking machines prior to the
13 filing of the '947 Patent, correct?

14 A. Yes.

15 MR. JOHNSON: Objection to
16 form.

10:18:46

17 BY MR. DANLEY:

18 Q. And you said that you
19 weren't aware of how PLC's operated as well,
20 correct?

10:18:50

21 A. Yes.

22 Q. So how can you know
23 whether or not tables were used as part of those
24 prior PLC's in the prior system?

25 MR. JOHNSON: Objection;

10:19:00



1 beyond the scope.

10:19:00

2 THE DEPONENT: How PLC's were
3 used in the previous system were to control
4 specific and limited parameters and I would say
5 that the '947 Patent would do a more in-depth
6 analysis or perform a more complex task.

10:19:18

7 BY MR. DANLEY:

8 Q. Is it fair to say that
9 the proper recipe that is retrieved by the '947
10 Patent is just based upon additional parameters or
11 additional characteristics that the system
12 measures?

10:19:53

13 MR. JOHNSON: Objection to
14 form; beyond the scope.

15 THE DEPONENT: Can you
16 rephrase that, please?

10:20:03

17 BY MR. DANLEY:

18 Q. Yes. So is it fair to
19 say that the retrieving the proper recipe as done
20 in the '947 Patent is the more complex because the
21 '947 Patent measures additional characteristics of
22 the log?

10:20:12

23 MR. JOHNSON: Same objection;
24 beyond the scope.

25 THE DEPONENT: Yes.

10:20:31



1 BY MR. DANLEY: 10:20:32
2 Q. So do you have any
3 reason to believe that the way that the parameters
4 were retrieved by the PLC's in those prior systems
5 differed in any way by the way that the recipe is 10:20:58
6 retrieved by the PLC in the '947 Patent?
7 MR. JOHNSON: Objection;
8 beyond the scope.
9 THE DEPONENT: I'm sorry, I
10 need to have you rephrase that. 10:21:10
11 BY MR. DANLEY:
12 Q. So the prior system used
13 PLC's, correct?
14 MR. JOHNSON: Same objection.
15 THE DEPONENT: Previous 10:21:20
16 system used PLC's, yes.
17 BY MR. DANLEY:
18 Q. And the previous systems
19 would change the parameters of the debarking
20 machine based upon measurements such as the 10:21:26
21 diameter, correct?
22 A. Yes.
23 MR. JOHNSON: Objection;
24 beyond the scope.
25 BY MR. DANLEY: 10:21:32

1 Q. So the way that the
2 prior systems would retrieve those parameters, do
3 you have any reason to believe that that's any
4 different by the way that the PLC described in the
5 947 would retrieve parameters for the debarking
6 machine?

10:21:33

10:21:45

7 MR. JOHNSON: Objection,
8 beyond the scope and to form.

9 THE DEPONENT: There are more
10 inputs that are accounted for. If I look at the
11 schematic here, you have other sensors that can be
12 elsewhere.

10:21:56

13 I'm not sure if the PLC is
14 retrieving the recipe or if it's the computer and
15 the recipe is just, well, the interface between
16 the computer and the machine. But in this case
17 here, in the case of the patent '947, I would say
18 it would be more complex because you account for,
19 in the case of reducing the pressure of the tool
20 or slowing down the feed speed based on the
21 diameter is one element that might be incorporated
22 in the U.S. '947 Patent.

10:22:16

10:22:44

23 You know, again, I looked at
24 the system but I didn't check every, every single
25 item to know, you know, how everything was

10:23:01

1 performed. 10:23:04

2 But from what, you know, I
3 understand that well, it's more complex in the
4 '947 Patent.

5 BY MR. DANLEY: 10:23:17

6 Q. That's because there are
7 additional inputs that are considered by the '947
8 Patent, is that right?

9 MR. JOHNSON: Objection to
10 form; beyond the scope. 10:23:23

11 THE DEPONENT: No.

12 BY MR. DANLEY:

13 Q. Then can you explain the
14 previous answer that you provided?

15 MR. JOHNSON: Objection to 10:23:35
16 form.

17 THE DEPONENT: Some of them
18 are more complex, if you analyze the image and see
19 how the moisture is there because we can see, you
20 know, it looks moist. 10:23:45

21 If the outside temperature is
22 to that level or to that level, you know, if there
23 are other external -- that's why you have other
24 sensors in the patent description so, I mean,
25 that's why I say it's more complex. 10:24:02

1 It's just not one parameter 10:24:04
2 that you adjust or introduce to the debarkers.
3 You have many. But you might just reduce the
4 speed for one portion and then -- so to me, this
5 is different. This is more complex. 10:24:20

6 BY MR. DANLEY:

7 Q. How important is the AI
8 component to the invention described in the '947
9 Patent in your opinion?

10 MR. JOHNSON: Objection to 10:24:34
11 form; beyond the scope.

12 THE DEPONENT: How important?
13 It says in the initial claim that it's a
14 computerized -- computer implemented method for
15 characterizing an undebarker -- comprising, based 10:24:59
16 on the characteristic computer parameter
17 sending -- they don't count the IA.

18 If you have multiple sensors,
19 one day, that's just a hypothesis, you might end
20 up with the same, the same signal sent to the 10:25:29
21 debarker. But then have you to have more sensors.

22 BY MR. DANLEY:

23 Q. So the importance of AI
24 to the invention of the '947 Patent is it takes
25 the place of these various different sensors you 10:25:48

1 would otherwise need, is that right? 10:25:51

2 MR. JOHNSON: Objection to
3 form; beyond the scope.

4 THE DEPONENT: Can you
5 rephrase that please? 10:25:57

6 BY MR. DANLEY:

7 Q. Yes. So my
8 understanding of your previous answer is one of
9 the important parts provided by the AI is that it
10 replaces the or replaces a number of other censors 10:26:09
11 that would otherwise be needed to measure or
12 determine these various characteristic, is that
13 right?

14 MR. JOHNSON: Same objection
15 to form and beyond the scope. 10:26:23

16 THE DEPONENT: If the censors
17 were to exist, if you cannot have a censor that
18 detects species, then you have to rely on AI.

19 BY MR. DANLEY:

20 Q. Can you also rely upon 10:26:38
21 one of the operators to detect species?

22 MR. JOHNSON: Same objection;
23 beyond the scope.

24 THE DEPONENT: Not at the
25 speed that these things are operating and 10:26:47

1 sometimes the little subtle thing that an 10:26:51
2 experienced person might see.

3 BY MR. DANLEY:

4 Q. So the AI can do it just
5 because it operates fast enough, is that right? 10:27:12

6 MR. JOHNSON: Objection to
7 form; beyond the scope.

8 THE DEPONENT: No, no.
9 Because there's no censor that are commercially
10 available that can do this specific job at the 10:27:21
11 speed, but even if the speed were way slower, one
12 might get a result that was way, you know, beyond
13 acceptable.

14 BY MR. DANLEY:

15 Q. I guess I was focusing 10:27:41
16 just on tree species, not the entire set of
17 characterizations that the system provides.

18 So wouldn't it be possible
19 for an operator to determine the tree species if
20 the system moved slow enough? 10:27:55

21 A. Yes.

22 Q. Would it be possible for
23 an operator to detect knots or deformities if the
24 system moved slow enough?

25 A. Yes. 10:28:19

1 Q. Would it be possible for 10:28:19
2 an operator to determine moisture if the system
3 operated slowly enough?

4 A. No.

5 Q. And why not? 10:28:31

6 A. If the bark is present,
7 you can guess it, but will it be just too dry
8 because at one point if the fine layer that bounds
9 the wood and the bark, if it's dry, if it's
10 frozen, you know, it might adhere more or be just 10:28:55
11 act like a lubricant because it's basically just a
12 layer of a cell of -- one layer of cell. So if
13 they're moist, they're moist.

14 But, I mean, the log itself
15 could be just borderline dry and you have to have 10:29:17
16 more pressure or, you know, adjust parameter
17 otherwise.

18 Q. So are you familiar with
19 the term "person of ordinary skill in the art"?

20 A. Familiar? Yeah. 10:29:43

21 Q. And what is your
22 understanding of what a person of ordinary skill
23 is?

24 A. It's someone who've
25 worked in the industry and depending of previous 10:29:52

1 studies or the field of studies, would need more
2 or less years of experience to be able to feel and
3 comprehend and project in the future, you know,
4 what item might be or what characteristic of any
5 system one is using to be able to explain and
6 comprehend and experiment.

10:29:56

7 Q. And where does your
8 understanding come from?

9 A. What does my
10 understanding?

10:30:20

10:30:35

11 Q. No. Where did that
12 understanding come from?

13 A. From reading literature,
14 attending conferences and seminars; having
15 knowledgeable colleague.

10:30:49

16 Q. In terms of, like, your
17 understanding in general of what a person of
18 ordinary skill is, where did that understanding
19 come from?

20 MR. JOHNSON: Objection;
21 asked and answered.

10:30:58

22 THE DEPONENT: Can you
23 rephrase that, please?

24 BY MR. DANLEY:

25 Q. So I asked you did you

10:31:03



1 have an understanding of what a person in the 10:31:03
2 ordinary skill in the art is. You said yes.

3 I said: Could you describe
4 what that understanding is in this specific
5 context. 10:31:12

6 A. Yes.

7 Q. So my question now is
8 more general in terms of the definition of a
9 person of ordinary skill, where did your
10 understanding of that definition come from? 10:31:19

11 A. Oh, from what I read in
12 the claim and in the -- yeah, in Nicholson's
13 objection, yeah.

14 Q. So in this instance, do
15 you believe a person of ordinary skill -- strike 10:31:38
16 that.

17 For the technology described
18 in the '947 Patent, is it your opinion that a
19 person of ordinary skill would need to have an
20 understanding of AI or Deep Learning? 10:31:47

21 A. Yes.

22 Q. Why is that?

23 A. Because AI is an
24 important part of it. It's one that replaces, as
25 I said before, maybe one or more sensors. So a 10:32:18

1 person would need to know about IA or Deep 10:32:28
2 Learning to be able to think of something that
3 would be, that could be invented I would say.

4 Q. You testified earlier
5 that you don't have experience with AI, is that 10:32:45
6 correct?

7 A. That's correct, yes.

8 Q. So in that case would
9 you consider yourself to be a person of ordinary
10 skill with respect to the '947 Patent? 10:32:57

11 A. Skill -- yes.

12 Q. But if a person of
13 ordinary skill needed to have knowledge about AI,
14 and you don't have knowledge of AI, how would you
15 consider yourself to be a person of ordinary 10:33:12
16 skill?

17 A. As I mentioned before, I
18 know what AI -- I have experienced AI. I cannot
19 describe how everything is done. I know the
20 results. 10:33:34

21 I've seen -- I was told about
22 system that use them. I've used them on computers
23 and in applications. That's my knowledge.

24 I'm not an expert on that.
25 But from what one can see from what I can see in 10:33:54

1 the system, you can do some image recognition. I
2 have other systems in the industry that use Deep
3 Learning to assess the species of board you see at
4 the end, you know, to sort them. Or people say
5 after a while we realize that you know we could
6 use that to assess the species.

10:33:58

10:34:24

7 Not only the product that we
8 put on the end to change colour when it's one
9 species or another. If you look at the patterns
10 of the growth ring on the end of the board, one
11 can oh, yeah, yeah, the fir would look more like
12 this because of the ring spacing or ring pattern
13 would be different.

10:34:41

14 So that's my knowledge of IA,
15 and if you never heard of IA, how can, I wouldn't
16 be able to think of someone like the 947, but in
17 order to be able to produce one and invent one and
18 deliver one, you have to know about this.

10:35:00

19 But it doesn't mean that I
20 have, I have the understanding that a guy in that
21 speciality would have.

10:35:26

22 Q. You never used AI to
23 analyze pictures, correct?

24 MR. JOHNSON: Objection;
25 asked and answered.

10:36:25

1 THE DEPONENT: Never used AI 10:36:27
2 to analyze pictures, no.

3 BY MR. DANLEY:

4 Q. Never used AI to
5 characterize logs, have you? 10:36:31

6 A. No, no, no.

7 Q. So is it fair to say
8 that in terms of -- or strike that.

9 So is it fair to say that you
10 would consider yourself to be an expert because 10:37:02
11 you take the output from AI and you're able to
12 determine the parameters for the debarking machine
13 or determine the way the debarking machine should
14 operate?

15 MR. JOHNSON: Objection to 10:37:18
16 form.

17 THE DEPONENT: Can you
18 rephrase that, please?

19 BY MR. DANLEY:

20 Q. Yes. 10:37:22

21 So I'm trying to, quite
22 frankly, understand how you consider yourself to
23 be an expert when you have no background in AI for
24 the '947 Patent.

25 And so my understanding based 10:37:31



1 on your answer is that you take the output from AI
2 in terms of moisture content, species, knots, and
3 then you use those characterizations to adjust the
4 parameters for the debarking machine.

10:37:33

5 Is that an accurate
6 statement, understanding?

10:37:51

7 MR. JOHNSON: Objection to
8 form.

9 THE DEPONENT: I don't
10 understand. Well, can you rephrase it? I want to
11 make sure I provide you with the right answer.

10:38:01

12 BY MR. DANLEY:

13 Q. Yeah, yeah, of course.

14 So, again, I'm trying to
15 understand how you consider the role of an expert
16 to be with respect to the '947 Patent. And my
17 understanding, based on your previous answers, you
18 don't understand how AI works, but you understand
19 that AI provides outputs related to various
20 characterizations of a log. And then you as the
21 expert would be able to use those
22 characterizations to determine the recipe or
23 settings for the parameters for a debarking
24 machine.

10:38:08

10:38:25

25 Is that an accurate

10:38:39



1 understanding?

10:38:40

2 A. Being an expert in the
3 field of sawmilling, rest on what you've read, the
4 encounters you've had, the expert you've talked
5 to.

10:38:57

6 Optimizing companies have
7 been using IA or Deep Learning I was called even,
8 I would say decades ago or many years ago.

9 And from what you read or
10 what you learn about those systems, at one point
11 you have Deep Learning that's used. And then you
12 are explained by the one using it or the expert
13 that have developed it that this is, you know,
14 this is Deep Learning. And after a while you
15 realize that AI, you know, is a tool that one can
16 have.

10:39:13

10:39:32

17 I don't understand how it
18 works. But I know the result. So from that, from
19 my experience, my contacts, I can see that -- and
20 from the image I see during the visit, oh, yeah,
21 yeah.

10:39:51

22 Well, you see the diameter,
23 that's obvious. But you see the moisture and
24 well, even if the picture you could see the little
25 knots and that's a condition that's tricky.

10:40:05



1 So I don't exclude myself as
2 an expert. I don't know how the PLC works in
3 details, but I know what it can do to some extent.
4 Not in every case because I was told that you have
5 modules that can do a little bit of computation, a
6 little bit of storage.

10:40:08

10:40:27

7 It's not what I was -- in the
8 course of my work, you come up to a sawmill, or a
9 plant or any challenge that you have and you're
10 exposed with the problem and then you come up with
11 the solution with all the colleagues that have
12 expertise because you're not alone in this.

10:40:44

13 So yeah, that's why, you
14 know, I consider -- well, I consider I was asked
15 to work on that because of my extensive knowledge
16 of the process and the differences and the
17 subtleties and subtle elements that compose them.

10:41:00

18 Q. So I wanted to talk very
19 briefly about the Bark Scanner devices. Do you
20 know how many Bark Scanner devices have been sold?

10:41:36

21 A. No.

22 Q. I think you mentioned in
23 your report that there were three currently in
24 operation, is that accurate?

25 A. Yeah, in operation.

10:41:50



1 Maybe they've not been sold, maybe, but I mean, I
2 know there are three in operation.

10:41:52

3 I can not -- I've seen one.
4 I was told about the other one, but I didn't --
5 I'm trying to get information about, you know, how
6 many there are. But I know I think there's two
7 other.

10:42:05

8 There's one I remember and
9 maybe one in New Brunswick, but I can't be sure
10 but I know there are more than one that are
11 operating. I don't know what version or if they
12 are all the same, but --

10:42:16

13 Q. And if you look at
14 paragraph 28 of your report, you mention that you
15 spoke with Pierre Faucher and Francis Clement.

10:42:29

16 Do you see that?

17 A. Yeah.

18 Q. Do you know when that --
19 strike that.

20 When did you speak to those
21 two people?

10:42:42

22 A. Pierre Faucher, I spoke
23 with him prior the visit. And Francis Clement,
24 maybe a couple of weeks after to learn more about
25 the system and the challenges and to deepen my

10:43:03

1 comprehension of the system and how it would
2 operate. 10:43:06

3 Q. How did Mr. Clement
4 describe the challenges of the system?

5 A. Oh, he said that at the 10:43:20
6 beginning --

7 MR. JOHNSON: Objection;
8 calls for hearsay.

9 THE DEPONENT: He doubted
10 strongly that it could transfer the other scanning 10:43:27
11 system into bark. And then he explained that
12 there is contaminants that can -- and ice, and --
13 contaminant, ice. I've added burnt wood because
14 you have sometimes burnt wood so to me he wasn't
15 sure of the outcome. 10:44:03

16 And I recall after my initial
17 or my declaration, I thought up, oh, yeah, I might
18 look that in my files. And I knew there were --
19 when I spoke with him, oh, I knew they did some
20 research with my previous employer about 10:44:32
21 recognition of images so there was a specific
22 project. And there was a video that was released
23 that said that the technology belonged to BID
24 Group.

25 So, yeah, it was quite a 10:44:54

1 challenge to be able to address the challenge of 10:45:01
2 assessing the logs due to their environmental
3 condition. And when he said the ice, I thought
4 oh -- as I said before, there are so many
5 variables. You always forget one. 10:45:23
6 When you work with people in
7 the industry, they remind you of that or when the
8 winter comes, oh, well.
9 But I mean, this is the main
10 thing that struck me and I would say that I think 10:45:35
11 that didn't convince me, but strongly, yeah,
12 influence me on how difficult it might be.
13 BY MR. DANLEY:
14 Q. So as part of that
15 conversation, did Mr. Clement describe for you how 10:45:56
16 those challenges were overcome?
17 MR. JOHNSON: Same objection;
18 calls for hearsay.
19 THE DEPONENT: No.
20 BY MR. DANLEY: 10:46:05
21 Q. Did he describe any
22 other challenges besides the ones you've already
23 described?
24 MR. JOHNSON: Same; calls for
25 hearsay. 10:46:12

1 THE DEPONENT: Not that I can 10:46:13
2 recall.

3 BY MR. DANLEY:

4 Q. And did you use that
5 description of the challenges as basis for any of 10:46:21
6 your opinions?

7 A. Yes.

8 Q. And which opinions did
9 that -- strike that.

10 Which opinions did 10:46:37
11 Mr. Clements' description of the challenges form
12 the basis of?

13 A. Can you repeat that,
14 please?

15 Q. Yeah. So I asked if 10:46:46
16 there was discussion about the challenges provided
17 the basis for any of your opinions. You said yes.

18 I'm just asking which
19 opinions did that description of the challenges
20 provide the basis for? 10:46:57

21 A. In the claim they said
22 that bark recognition has been done before.

23 And to me, you know, it was
24 this plus that which made sense, you know, for the
25 ordinary guy to -- but then I realized no, no, no, 10:47:17

1 it's way, I had over estimated the complexity.
2 And that helped me, yeah, not change, but set
3 my --

10:47:23

4 There was also the fact that
5 it's not a feedback system. It's you're piloting
6 or well you decide to drive, you know, into the
7 future the debarker while what was a challenge was
8 something that you do afterwards.

10:47:46

9 So you do something but for
10 the wrong -- for the wrong individual, for the
11 wrong log. So, I mean, this and that were two
12 strong elements in my evaluation, plus the visit
13 and what I've seen.

10:48:06

14 Q. Didn't prior systems
15 also use this feed forward type of system where,
16 for example, diameter would be measured for an
17 incoming log and that measurement would be used to
18 set the parameters on the debarking machine?

10:48:22

19 MR. JOHNSON: Objection;
20 beyond the scope.

10:48:37

21 THE DEPONENT: I missed
22 beginning of your question.

23 BY MR. DANLEY:

24 Q. So you're saying that
25 part of the difference in your opinion are --

10:48:42



1 strike that.

10:48:46

2 One of the features that you
3 identified for the '947 Patent was this ability to
4 look forward and by that, I took it to mean, look
5 forward based on characteristics of an incoming
6 log.

10:48:58

7 Is that right?

8 A. Yes. Yes. Yes.

9 Q. So my question is:

10 Didn't prior systems before the '947 Patent also
11 look at characteristic of incoming logs for
12 example the diameter and use those characteristic
13 to set the parameters for the debarking machine?

10:49:05

14 MR. JOHNSON: Objection to
15 scope.

10:49:20

16 THE DEPONENT: Some of the
17 parameters, yes.

18 BY MR. DANLEY:

19 Q. The difference is not
20 all the parameters; is that your testimony?

10:49:24

21 MR. JOHNSON: Objection;
22 beyond the scope.

23 THE DEPONENT: Please say
24 that again.

25 BY MR. DANLEY:

10:49:28



1 Q. You said that the prior
2 systems could detect and use some of the
3 parameters. And so my follow-up question is: The
4 difference in the '947 Patent was just the larger
5 number of parameters that it can --
6 characteristics that it can use are?

10:49:30

10:49:39

7 MR. JOHNSON: Objection to
8 scope.

9 THE DEPONENT: Not the larger
10 numbers, but the more complex and I would say the
11 interaction between them.

10:49:47

12 BY MR. DANLEY:

13 Q. And what do you mean by
14 the "interaction between them"?

15 MR. JOHNSON: Same objection;
16 beyond the scope.

10:50:03

17 THE DEPONENT: If you have a
18 frozen log that's dirty, that's two interaction
19 that -- if the temperature is below freezing point
20 and you have a dirty log and the log can refreeze
21 while it's waiting.

10:50:19

22 There is -- it's right after
23 that, but you don't know what's happening
24 underneath. I mean, I would say that, yeah, they
25 take a bit when they were put there but you're

10:50:44

1 never sure of the outcome. 10:50:49
2 But again these interaction
3 are -- well, these characteristic are not, you
4 know, individual things. They can, you know,
5 effect each other I would say 10:51:01
6 BY MR. DANLEY:
7 Q. And that's an important
8 aspect of the '947 Patent in your opinion?
9 MR. JOHNSON: Objection;
10 beyond the scope. 10:51:07
11 THE DEPONENT: Can you ask me
12 again, please?
13 BY MR. DANLEY:
14 Q. Yeah. So these
15 interactions between the different characteristics 10:51:18
16 are, in your opinion, is that an important feature
17 of the '947 Patent?
18 MR. JOHNSON: Objection to
19 form and beyond the scope.
20 THE DEPONENT: I don't know. 10:51:30
21 BY MR. DANLEY:
22 Q. So I'm going to hand you
23 what's previously been marked as Exhibit 1004?
24 A. Oh, there's more than
25 one. 10:52:00

1 Q. Oh, sorry. 10:52:00

2 My question to you whenever
3 you finish reviewing is: Have you seen this
4 document before?

5 A. Did I see the whole 10:52:24
6 extent of it? Well, I recognize some of the
7 portion. I don't know if it was exactly it.

8 One that I got was scanned
9 and the resolution was not too good.

10 Q. What is your 10:52:52
11 understanding of what this document is?

12 A. Can you rephrase that?

13 Q. What is this document,
14 as far as you know?

15 A. Oh, yeah, this is the -- 10:53:01
16 MR. JOHNSON: Objection;
17 beyond the scope.

18 THE DEPONENT: This is the
19 Industrial Quebec Research Centre, our neighbour
20 developed for debarkers. I recognize what that 10:53:11
21 is, yes.

22 BY MR. DANLEY:

23 Q. Did you review this
24 document as part of your project for BID Group.

25 A. No in depth. 10:53:34

1 Q. Do you have any opinions 10:53:36
2 for -- strike that.
3 For purposes of your
4 declaration, do you have any, and your work on
5 this project, do you have any opinions that are 10:53:51
6 related to Exhibit 1004?
7 A. Yes.
8 Q. And what are those
9 opinions?
10 A. Pardon me? 10:54:00
11 Q. Do you have any
12 opinions?
13 A. Yes, I do. Yes, I do.
14 Q. What are those opinions?
15 MR. JOHNSON: Objection; 10:54:05
16 beyond the scope.
17 THE DEPONENT: I was able to
18 talk with one of the person that implemented that.
19 I visited the sawmills that had implemented that
20 or a previous version. I don't know exactly. 10:54:19
21 And this was after that. I
22 checked in my computer and I've seen there was a
23 presentation. Then I remember I had seen the
24 system -- seeing is I stood by the debarker and
25 saw the logs go through. 10:54:43



1 But after that I spoke with 10:54:46
2 the process engineer there. And he told me that
3 when he was hired at that plant, the system was
4 there.

5 You can't see anything 10:54:59
6 because the logs go through and you can't see if
7 the parameters change on the debarker, but
8 basically what he says is that after a while, the
9 brother of the owner who's in charge of, well,
10 some aspect of the sawmill said: We take that 10:55:18
11 out. And I said why was that? And he said -- I
12 said did it work half of the time? No, he said
13 well, because it's based on what's been -- what
14 the result. It would work but for a while and
15 then -- but from what I understand and what I was 10:55:41
16 told with the Comact, the BID Group person, is
17 this system and what I understand is it reacts and
18 readjust.

19 So you focus on one thing,
20 but it's not the right thing. Or the thing to do 10:56:00
21 for that specific task that you need. And the
22 scanner that they use has been, if I'm not
23 mistaken, used in other technologies and it was
24 just a great thing.

25 And I had totally forgotten 10:56:18

1 about it because I went there, I didn't see
2 anything and then, well, it didn't -- well, when
3 it makes a difference and it's good, I remember it
4 because it's important in the course of my job.

10:56:20

5 So then I realize oh, yeah, I
6 saw a machine that was supposed to have it. I
7 looked at it. Didn't see anything. And the guy
8 says when I phone him maybe three weeks ago or not
9 even that. It was taken out because, you know,
10 you can't have a system that works, you know, and
11 requires energy and maintenance that doesn't bring
12 a pay back.

10:56:33

10:56:57

13 And from reading through it
14 and the response of Comact, this is different than
15 what Comact or BID Group has developed.

10:57:18

16 BY MR. DANLEY:

17 Q. Who at BID Group did you
18 talk to with respect to this Exhibit 1004?

19 A. Pierre Faucher.

20 Q. And was this the
21 conversation that you were describing earlier? Or
22 is this a separate conversation?

10:57:32

23 A. Yes, it was the
24 discussion we described earlier, yeah. Yeah.

25 Q. Okay. And can you tell

10:57:49

1 me what Mr. Faucher said about this technology? 10:57:51

2 MR. JOHNSON: Objection;

3 calls for hearsay.

4 THE DEPONENT: Yes. He said 10:58:01
5 there is a feedback system. And it will adjust

6 the debarker for the next log from what it seen
7 from the log that's been processed.

8 So it's like if you play
9 bowling and you just see the end result, you don't 10:58:29
10 have anything to aim for, you don't know what

11 you're doing. And by that, I -- when I was first
12 introduced by this whole subject, I was asked what
13 was my -- what was for me the greatest, biggest
14 influencer or characteristic that would be
15 important for log debarker and I said moisture. 10:58:54

16 But thinking more deeply
17 about everything and what this accomplish and what
18 this didn't is what is more important is what
19 you're dealing with. If you're dealing with, you
20 know, a frozen log. If you're dealing with a 10:59:15
21 crooked log. If they're mixed up species like in
22 this particular mill.

23 The guy buys supply from
24 farmers, and there are mixed species. So a system
25 like that is perfect to analyze, fine tune a 10:59:34

1 system, but it cannot, it cannot look forward and
2 say well, this is what we should do. This is what
3 we think we should do but we don't know what's
4 coming.

10:59:36

5 So that's my understanding of
6 the difference and that's how I base my opinion.

10:59:48

7 BY MR. DANLEY:

8 Q. But your opinion isn't
9 included in your declaration, is it?

10 MR. JOHNSON: Objection;
11 beyond the scope.

11:00:01

12 THE DEPONENT: My opinion is
13 not included? My opinion is what my declaration
14 is.

15 BY MR. DANLEY:

11:00:12

16 Q. Let me be more specific.
17 Your opinion related to what
18 you just described for Exhibit 1004 is not
19 included in your declaration, is it?

20 A. No, but it was part of
21 the review that I did.

11:00:22

22 Q. Did you review any other
23 prior arts for your declaration?

24 MR. JOHNSON: Objection;
25 beyond the scope.

11:00:32

1 THE DEPONENT: I checked what
2 Ido did and Petruzella, the PLC person. And there
3 was another person that used the end to assess the
4 diameter and volume of a pile of stems or logs.

11:00:35

5 BY MR. DANLEY:

11:00:58

6 Q. Would that be the Kambla
7 reference?

8 A. Yeah. Yeah, yeah.

9 Q. And isn't it accurate to
10 say that none of your opinions related to those
11 other prior art references are included in your
12 declaration?

11:01:05

13 A. Can you rephrase that,
14 please?

15 Q. Yeah.

11:01:16

16 So isn't it fair to say that
17 none of your opinions related to those other prior
18 art reference, Ido, Petruzella and Kambla are
19 included in your declaration?

20 A. None of those are
21 included, no.

11:01:34

22 Q. Give me ten minutes
23 to --

24 MR. JOHNSON: Sure, take a
25 break.

11:01:47



1 MR. DANLEY: Can we go off 11:01:47
2 the record.

3 THE VIDEOGRAPHER: Going off
4 the record at 11:01 a.m.

5 --- Whereupon short break taken at 11:01 a.m. 11:01:51

6 --- Upon resuming at 11:11 a.m.

7 THE VIDEOGRAPHER: Going back
8 on the record at 11:11 a.m.

9 MR. DANLEY: I have no
10 further questions. 11:12:37

11 MR. JOHNSON: We have no
12 questions. We'll just reserve the right to read
13 and sign.

14 Thanks.

15 THE REPORTER: Can I get 11:12:45
16 everybody's orders on the records, please and
17 thanks.

18 MR. JOHNSON: Sure. What do
19 you want?

20 MR. DANLEY: What is 11:13:00
21 standard?

22 THE REPORTER: Ten days,
23 business days.

24 MR. DANLEY: That should be
25 fine. We will do that. 11:13:00

1 THE REPORTER: And otherwise 11:13:00
2 you can let the office know.

3 MR. DANLEY: That's fine.

4 MR. JOHNSON: And that's fine
5 with us to. 11:13:01

6 THE REPORTER: And Mr.
7 Danley, can you confirm that you received
8 realtime?

9 MR. DANLEY: Yes, I have.

10 THE VIDEOGRAPHER: This 11:13:11
11 concludes the deposition of Alain Gingras. We're
12 going off the record at 11:12 a.m.

13 --- Whereupon deposition concludes at 11:12 a.m.

14
15 11:13:17

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20 11:13:17
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Reference No.: 14932997

Case: NICHOLSON MANUFACTURING vs BID GROUP

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury that I have read the entire transcript of my Deposition taken in the captioned matter or the same has been read to me, and the same is true and accurate, save and except for changes and/or corrections, if any, as indicated by me on the DEPOSITION ERRATA SHEET hereof, with the understanding that I offer these changes as if still under oath.

Alain Gingras

NOTARIZATION OF CHANGES

(If Required)

Subscribed and sworn to on the _____ day of

_____, 20____ before me,

(Notary Sign)_____

(Print Name) _____ Notary Public,

in and for the State of _____



Reference No.: 14932997
Case: NICHOLSON MANUFACTURING vs BID GROUP

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SIGNATURE: _____ DATE: _____
Alain Gingras



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SIGNATURE: _____ DATE: _____
Alain Gingras



REPORTER'S CERTIFICATE

I, ANGELA JANSSEN, CSR,
certify;

That the foregoing
proceedings were taken before me at the time and
place therein set forth, at which time the witness
was put under oath by me;

That the testimony of the
witness and all objections made at the time of the
examination were recorded stenographically by me
and were thereafter transcribed;

That the foregoing is a true
and correct transcript of my shorthand notes so
taken.


PER: ANGELA JANSSEN, CSR

CERTIFICATE OF REPORTER

I, Angela Janssen, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the Testimony of said witness was taken by me in shorthand, using Computer Aided Realtime, to the best of my ability and thereafter reduced to written format under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which the deposition was taken, and further that I am not related or any employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

Angela Janssen

Angela Janssen, CSR

Chartered Shorthand Reporter

Commissioner of Oaths