

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

LINDSAY CORPORATION, §
§
Petitioner, §
§
VS. § CASE NUMBER IPR2015-01039
§
VALMONT INDUSTRIES, INC., § U.S. PATENT NO. 7,003,357
§
Patent Owner. §

ORAL DEPOSITION OF
DR. MELVIN RAY MERCER
APRIL 12, 2016
VOLUME 1

ORAL DEPOSITION OF DR. MELVIN RAY MERCER,
produced as a witness at the instance of the PETITIONER,
and duly sworn, was taken in the above-styled and
-numbered cause on April 12, 2016, from 9:01 a.m. to
4:27 p.m., before Nathan Trexler, CSR in and for the
State of Texas, reported by machine shorthand, at the
law offices of Fish & Richardson, 1717 Main Street,
Suite 5000, Dallas, Texas 75201, pursuant to the Federal
Rules of Civil Procedure and the provisions stated on
the record or attached hereto.

MAGNA 

A P P E A R A N C E S

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

2 THE REPORTER: Any stipulations for the
3 record?

4 MR. BROWN: No.

5 MR. MUSSELMAN: No.

6 DR. MELVIN RAY MERCER,
7 having been first duly sworn, testified as follows:

8 EXAMINATION

9 BY MR. BROWN:

10 Q. Good morning.

11 A. Good morning.

12 Q. You've had your deposition taken before?

13 A. True.

14 Q. Yeah. On how many occasions?

15 A. I don't know. I lost count a long time ago.

16 Q. More than a few. So I'll -- I'll just spend a
17 moment to remind you -- it might have been a while --
18 that because we have a court reporter here and he can
19 only take down one person speaking at a time, please let
20 me finish my questions. And I'll try and give you the
21 same courtesy and let you finish your answers, and then
22 we won't have a frustrated court reporter on our hands.

23 Is there any reason you can think of that
24 you can't give full, complete, truthful testimony today?

25 A. Not that I'm aware of.

MAGNA 

1 Q. All right. Have you ever had your proposed
2 opinions excluded by a district court before?

3 A. Not that I'm aware of.

4 MR. BROWN: I'm going to hand you
5 Exhibit 1001, which is U.S. Patent 7,003,357.

6 Q. (BY MR. BROWN) You familiar with that?

7 A. Yes.

8 Q. That is the patent which is -- which is the
9 subject of this inter partes review.

10 A. That's my understanding.

11 Q. Is it okay if we refer to that as the 357
12 patent, just to shorthand it?

13 A. That'll be fine.

14 Q. Okay. What would you say is the relevant part
15 to the claims of the 357 patent?

16 A. So I think I can refer you to my report. I
17 have a copy of that, if you're comfortable with me using
18 it. If you'd like to, you can produce this to make sure
19 that I'm not using anything that I shouldn't use.

20 Q. No, that's okay. But can you answer it without
21 looking at your report?

22 A. I can -- I can do a rough characterization on
23 it. Obviously, I spent more time thinking about that
24 question before I wrote my report. So I will give you
25 sort of what I think of as a thumbnail.



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