

Filed on behalf of
Lindsay Corporation

IPR2015-01039

By: Scott R. Brown
Matthew B. Walters
HOVEY WILLIAMS LLP
10801 Mastin Blvd., Suite 1000
Overland Park, Kansas 66210
Tel: (913) 647-9050
Fax: (913) 647-9057

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LINDSAY CORPORATION
Petitioner

v.

VALMONT INDUSTRIES, INC.
Patent Owner

Case No. IPR2015-01039
U.S. Patent No. 7,003,357

**PETITIONER'S RESPONSE TO PATENT OWNER'S MOTION
FOR OBSERVATION ON CROSS-EXAMINATION OF
PETITIONER'S REPLY WITNESS, CRAIG ROSENBERG, PH.D.**

Petitioner Lindsay Corporation (“Petitioner”) provides the following Response to Patent Owner’s Motion for Observation on Cross-Examination of Petitioner’s Reply Witness, Craig Rosenberg, Ph.D.

Response to Obsevation 1. The testimony cited by Valmont is incomplete and does not accurately reflect Dr. Rosenberg’s testimony. Dr. Rosenberg’s answer continues from 15:25 through 16:6, so a complete and fair citation to Dr. Rosenberg’s testimony is 15:12-16:6. Moreover, Dr. Rosenberg testifies at 16:18-18:17 that he has experience using laptops in one hand and operating it with the other and provides examples of other smartphones that cannot be operated in a single hand which is relevant to the argument by Valmont that Dr. Rosenberg conceded the only support he provided was from a dictionary definition.

Response to Obsevation 2. The testimony quoted by Valmont is incomplete and does not accurately reflect Dr. Rosenberg’s testimony. Dr. Rosenberg’s answer continues from 18:1 through 18:17 in which Dr. Rosenberg explains his answer. A complete and fair citation to Dr. Rosenberg’s testimony is 17:6-18:17.

Response to Obsevation 3. The testimony quoted by Valmont is incomplete and does not accurately reflect Dr. Rosenberg's testimony. Dr. Rosenberg's answer continues from 27:24 through 28:10 in which Dr. Rosenberg explains how his testimony responds to Dr. Mercer's testimony and is therefore appropriate reply testimony. A complete and fair citation to Dr. Rosenberg's testimony is 27:15-28:10. Further, Dr. Rosenberg testifies at 51:21-53:9 why it is appropriate for him to reply to the evidence and argument of Valmont and its expert Dr. Mercer.

Response to Obsevation 4. The testimony quoted by Valmont is incomplete and does not accurately reflect Dr. Rosenberg's testimony. Valmont excises explanatory text from its quote in which Dr. Rosenberg explains how his testimony is appropriate reply and why a motivation to provide enhanced functionality in a smaller device exists. Moreover, Dr. Rosenberg's answer continues from 30:1 through 30:04 in which Dr. Rosenberg explains how his testimony responds to Dr. Mercer's testimony and is therefore appropriate reply testimony. A complete and fair citation to Dr. Rosenberg's testimony is 28:13-30:4.

Response to Obsevation 5. The testimony quoted by Valmont is incomplete and does not accurately reflect Dr. Rosenberg's testimony. Dr. Rosenberg's answer continues from 33:10 through 33:14 in which Dr. Rosenberg explains his answer. A complete and fair citation to Dr. Rosenberg's testimony is 33:6-33:14. Moreover, Dr. Rosenberg explains at 30:8-32:15 how and why he analyzed claims 1 and 17 together.

Response to Obsevation 6. The testimony quoted by Valmont is incomplete and does not accurately reflect Dr. Rosenberg's testimony. Dr. Rosenberg's answer continues from 38:4 through 38:13 in which Dr. Rosenberg explains how his testimony responds to Dr. Mercer's testimony and is therefore appropriate reply testimony. A complete and fair citation to Dr. Rosenberg's testimony is 37:16-38:13.

Response to Obsevation 7. The testimony quoted by Valmont is incomplete and does not accurately reflect Dr. Rosenberg's testimony. Dr. Rosenberg's answer continues from 46:14 through 46:23 in which Dr. Rosenberg explains how his testimony responds to Dr. Mercer's testimony and is therefore

appropriate reply testimony. A complete and fair citation to Dr. Rosenberg's testimony is 45:21-46:23

Response to Obsevation 8. The testimony quoted by Valmont is incomplete and does not accurately reflect Dr. Rosenberg's testimony. Dr. Rosenberg's answer continues from 59:5 through 60:6 in which Dr. Rosenberg explains how his testimony responds to Dr. Mercer's testimony, is therefore appropriate reply testimony, and how the model-view-controller architecture supports Dr. Rosenberg's opinion. A complete and fair citation to Dr. Rosenberg's testimony is 58:6-60:6.

Response to Obsevation 9. The testimony quoted by Valmont is incomplete and does not accurately reflect Dr. Rosenberg's testimony. Valmont excises explanatory text from its quote in which Dr. Rosenberg explains how his testimony is appropriate reply and how OLE was used for inter-process communication on the same processor. A complete and fair citation to Dr. Rosenberg's testimony is 62:19-65:24.

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