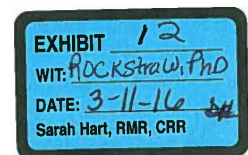


**SUMMARY JUDGMENT OF NON-INFRINGEMENT**

**SJ-N.I.REPLY EXHIBIT 4**



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UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

IN RE: METHOD OF PROCESSING MASTER CASE NO.  
ETHANOL BYPRODUCTS AND 1:10-m1-2181-LJM-DML  
RELATED SUBSYSTEMS ('858)  
PATENT LITIGATION

\* \* \* \* \*

VIDEO DEPOSITION OF  
DAVID ROCKSTRAW, PH.D.

\* \* \* \* \*

Date: June 12, 2013 Reporter: Lisa Peterson

1 restricting the witness solely to the letter and  
2 excluding all other communications, correct?

3 BY MR. RYE:

4 Q. Yes.

5 A. I guess the term inherently  
6 requires separation of corn oil. It suggests the  
7 separation of corn oil. It indicates that is what  
8 the purpose of the unit is for.

9 Q. But is any method or way of  
10 separating the corn oil inherently required in this  
11 letter?

12 A. If you are asking if the method is  
13 expressly stated, I don't see it in the letter  
14 itself. I'm not sure what you mean by inherently  
15 required.

16 Q. Is there anything inherent -- Is  
17 there a method -- There's more than one way to  
18 extract corn oil, correct, back at the time of this  
19 letter, is that correct?

20 A. That's correct.

21 Q. If there isn't any specific method  
22 for separating the corn oil stated as in the letter,  
23 there isn't -- since there were a number of potential  
24 different ways of extracting corn oil, no particular  
25 method was inherently required, isn't that correct?

1           A.       I think the one word required is  
2 what's hanging me up.

3           Q.       There's no method that is inherent  
4 to extract corn oil through this letter?

5           A.       When the letter is taken by itself,  
6 it's not apparent there's a method that is described.

7           Q.       Or required?

8           A.       Some method is required because you  
9 are achieving a separation.

10          Q.       It's just some method though,  
11 correct?

12          A.       Some method is required, yes.

13          Q.       You have read the court's claim  
14 construction order in connection with this matter,  
15 haven't you?

16          A.       I have.

17          Q.       You understand that the court  
18 construed the meaning of the phrase substantially  
19 free of oil to mean mostly or largely free of oil?

20          A.       That is what I read in the claim  
21 construction, yes.

22          Q.       You understand that a process  
23 recovering 51 percent of the oil meets that claim  
24 construction?

25          A.       That is what I understand, yes.

1 Q. Because 51 percent is mostly?

2 MR. TEMPESTA: Objection. You can  
3 answer.

4 A. I understand what the claim  
5 construction was. Whether I agree with it or not is  
6 a different subject, I guess.

7 BY MR. RYE:

8 Q. Paragraph 92 of your report on page  
9 40 you reference a letter from June 29 of 2003. Do  
10 you see that?

11 A. I do.

12 Q. I'm going to show you a letter  
13 Bates numbered AGRI 473 to 474 dated July 29, 2003  
14 from David Cantrell to Gerald Winter and Jay Sommers.  
15 Is this the letter you were referencing in paragraph  
16 92?

17 A. Yes.

18 Q. For the record, this has previously  
19 been marked Exhibit 212. It starts out, "We are very  
20 excited about potential to remove oil from your waste  
21 syrup."

22 Do you see that?

23 A. I do.

24 Q. The second paragraph beginning with  
25 the second sentence it says, "With this a decanter

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