

Hydrite Chemical Co. v. Solenis Technologies, L.P.

IPR2015-01586

Transcript of the Testimony of:

Scott D. Kohl, Ph.D.

June 1, 2016



Innovation · Expertise · Integrity

800.899.7222 • www.GramannReporting.com

MILWAUKEE 414.272.7878 • FAX: 414.272.1806 • 740 North Plankinton Ave, Suite 400, Milwaukee, WI 53203

MADISON 608.268.0435 • FAX: 608.268.0437 • 14 West Mifflin Street, Suite 311, Madison, WI 53703

HYDRITE EXHIBIT 1023
Hydrite v. Solenis

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

2

- - -

3

HYDRITE CHEMICAL CO., :
Petitioner, :

4

: Case: IPR2015-01592

: IPR2015-01586

5

vs. : Patent 8, 962, 059

:

6

SOLENIS TECHNOLOGIES, :
L.P., :

7

Patent Owner. :

8

- - -

9

10

Oral deposition of SCOTT D. KOHL, PH.D.,

11

taken at BakerHostetler, Cira Center, 2929 Arch

12

Street, 12th Floor, Philadelphia, Pennsylvania, on

13

Wednesday, June 1, 2016, beginning at approximately

14

8:30 a.m., before Maureen E. Broderick, Registered

15

Professional Reporter and Notary Public in and of

16

the Commonwealth of Pennsylvania.

17

18

19

20

21

22

23

24

25

HYDRITE EXHIBIT 1023

Hydrite v. Solenis

1 APPEARANCES

2 QUARLES & BRADY, LLP
3 BY: CHRISTOPHER J. FAHY, ESQUIRE
4 300 North LaSalle Street
5 Suite 4000
6 Chicago, IL 60654-3422
7 (312) 715-5107

8 and
9 BY: JOEL A. AUSTIN, ESQUIRE
10 411 East Wisconsin Avenue, Suite 2400
11 Milwaukee, WI 53202-4497
12 (414) 277-5617
13 christopher.fahy@quarles.com
14 joel.austin@quarles.com

15 Counsel for Petitioner

16

17 BAKER HOSTETLER
18 BY: DAVID N. FARSIUO, ESQUIRE
19 2929 Arch Street
20 Cira Centre, 12th Floor
21 Philadelphia, PA 19104-2891
22 (215) 564-8984
23 dfarsiou@bakerlaw.com

24 Counsel for Patent Owner

25

Gramann Reporting, Ltd.

(800) 899-7222

HYDRITE EXHIBIT 1023

Hydrite v. Solenis

1	EXAMINATION INDEX		
2	WITNESS		PAGE
3	Scott D. Kohl, Ph.D.		
4	By Mr. Fahy		4
5	EXHIBIT INDEX		
6	NAME	DESCRIPTION	PAGE
7	Kohl		
8	Exhibit 1	Hydrite Petition	37
9	Exhibit 18	Notice of Deposition	31
10	Exhibit 19	'059 Patent	32
11	Exhibit 1001	'059 Patent	39
12	Exhibit 1001	'469 patent	40
13	Exhibit 1006	Bonanno Patent	56
14	Exhibit 1007	Alther Article	63
15	Exhibit 1009	Frison Paper	60
16	Exhibit 1012	United States Patent	78
17		Publication No. 2008/011-0577 to	
18		Winsness	
19	Exhibit 1020	'059 patent excerpt	62
20	Exhibit 1021	'059 patent excerpt	62
21	Exhibit 1022	"Crude Corn Oil Separation at CVEC," dated 12 June, 2009.	50
22	Exhibit 2003	Declaration	33
23			
24	(Original exhibits were attached to original		
25	exhibits; copies to transcript copies.)		

Page 4

1 ---
 2 SCOTT D. KOHL, PH.D., having
 3 been first duly sworn to tell
 4 the truth, was examined and
 5 testified as follows:
 6 COURT REPORTER: Stipulations? Will the
 7 witness read and sign?
 8 MR. FARSIYOU: We'd like to read and sign.
 9 ---
 10 EXAMINATION
 11 ---
 12
 13 BY MR. FAHY:
 14 Q Good morning, Dr. Kohl.
 15 A Good morning.
 16 Q Have you been deposed before?
 17 A Yes.
 18 Q How many times?
 19 A Three or four. I think three.
 20 Q Were each of those times a patent-related
 21 matter?
 22 A No.
 23 Q Can you go through each one for me and
 24 tell me the context of the deposition, please.
 25 A The first deposition, I was a

Page 5

1 disinterested third-party factual person. There's a
 2 term for that type of witness. They told me what it
 3 was, but I don't remember.
 4 That case, or that deposition, I
 5 cannot remember if the two parties that were
 6 involved were -- had a patent dispute or why now
 7 they had a dispute.
 8 Q Do you remember the subject matter of your
 9 testimony at all?
 10 A The issue was around phytic acid and
 11 phytase enzyme action patterns and locations that
 12 such enzyme could be added into grain processing
 13 facilities to liberate phosphate groups from the
 14 phytic acid for the purpose of reducing negative
 15 attributes, phytic acid it produces in the process.
 16 Q You don't remember the nature of the
 17 dispute between the two parties?
 18 A I think that -- I cannot imagine why they
 19 would have had those proceedings if there was not a
 20 patent dispute. I do know that the first company
 21 had -- no. It wasn't a patent dispute.
 22 It was an individual had left
 23 company A, joined or formed company B, and company A
 24 had what they claimed as trade secrets that they
 25 said company -- the individual who left the company

Page 6

1 inappropriately used in the new company.
 2 And the reason I was called was the
 3 company I worked for was required to supply a person
 4 familiar with at least part of that idea, and I had
 5 given public presentations which had mentioned a
 6 small attribute of this technology or idea.
 7 Q What company did you work for?
 8 A ICM, Incorporated.
 9 Q Do you recall when that trade secret case
 10 occurred?
 11 A Probably sometime between 2011 and 2012.
 12 Possibly 2010.
 13 Q Do you remember when your deposition in
 14 that case occurred?
 15 A Sometime in that window.
 16 Q Did you testify at trial?
 17 A No.
 18 Q Just the deposition?
 19 A Yes.
 20 Q Did you provide any sort of written report
 21 associated with that case?
 22 A No.
 23 Q Again, it was just factual testimony in
 24 that case; you were not hired as an expert
 25 consultant in any way?

Page 7

1 A That's correct.
 2 Q Now, you mentioned that you were deposed
 3 three times. That is one of them. Do you recall
 4 the other two times that you were deposed?
 5 A Yes.
 6 Q Could you tell me about those?
 7 A There was a contractual legal lawsuit,
 8 dispute between the company I worked for and a
 9 client of that company.
 10 Q What was the nature of the contractual
 11 dispute?
 12 A Performance of the system the client had
 13 purchased from ICM.
 14 Q What system was that?
 15 A A Bio-Methanator.
 16 Q What is a Bio-Methanator?
 17 A It is a system with four tanks, two which
 18 contain biological organisms, one which is a liquid
 19 conditioning system, and the fourth which is a
 20 nutrient delivery system.
 21 Q And what, in what process is that system
 22 used?
 23 A The facility which purchased it makes
 24 chondroitin.
 25 Q What's chondroitin?

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.