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11-16-2010

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLI EASTERN DIVISION

MEYER INTELLECTUAL		ş	NOV 10 2010
LIMITED and MEYER CO U. S.,	RPORATION,	ş Ş Ş	MICHAEL W. DOBBINS CLERK, U.S. DISTRIC T COURT
	Plaintiffs,	ş	Civil Action No. 06-CV-6329
v .		9 §.	
BODUM, INC.		ş	Judge Milton I. Shadur
	Defendant.	8 § §	Magistrate Judge Sidney I. Schenkier

EXPERT REPORT OF ROBERT JOHN ANDERS, IDSA

PREFACE

This Expert Report is divided into three parts.

Part A contains:

- I. Introduction
- II. Background, Education and Qualifications
- III. Documents and Objects Reviewed as Basis of My Opinions
- IV. Working Knowledge of Applicable Laws
- V. Remarks

Part B contains:

- I. My Understanding of Inequitable Conduct
- II. Frothing and Prior Art Apparatus
- III. The Actions of Frank A. Brady
- IV. Conclusions
- V. Remarks

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Part C contains:

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- I. My Understanding of Patent Law to Determine Invalidity
- II. Claim Construction
- III. A Person of Ordinary Skill in the Art
- IV. My Invalidity Analysis of United States Patent 5,780,087 Under § 103
 Obviousness
- W. My Invalidity Analysis of United States Patent 5,780,087 Under § 112
 Specification
- VI. My Invalidity Analysis of United States Patent 5,939,122 Under § 103
 Obviousness
- VII. Remarks

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IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DISTRICT

MEYER INTELLECTUAL PROPERTIES, LIMITED; and MEYER CORPORATION, U.S.

Plaintiffs,

v.

BODUM, INC.,

Defendant.

Civil Action No. 06-CV-6329

Judge Milton I. Shadur

Magistrate Judge Sidney I. Schenkier

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the Expert Report of Robert John

Anders, IDSA was served July 24, 2009 by hand delivery upon:

Allan J. Sternstein Katharine N. Dunn Timothy K. Sendek Dykema Gossett PLLC 10 South Wacker Drive, Suite 2300 Chicago, IL 60606

Sheila Micholson

David E. Bennett Robert S. Rigg William J. Voller III Vedder Price P.C. 222 North LaSalle Street Suite 2600 Chicago, IL 60601-1003 (312) 609-7500 Case: 1:06-cv-06329 Document #: 217 Filed: 11/16/10 Page 4 of 82 PageID #:3102



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UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

LIMITED and MEYER CORPORATION,		ş	
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U. S.,	,	Š	
		§ -	
	Plaintiffs,	§	Civil Action No. 06-CV-6329
		§	
v.		Š	
		§	
BODUM, INC.		Ş	Judge Milton I. Shadur
		§	Magistrate Judge Sidney I. Schenkier
	Defendant.	§ -	
		§	

EXPERT REPORT OF ROBERT JOHN ANDERS, IDSA

PART A

I. INTRODUCTION

 I have been retained as an industrial design expert by Vedder Price P.C., counsel for the defendant, Bodum, Inc. (hereinafter "Bodum") to opine on the validity of United States Patent 5,780,087 to Brady issued on July 14, 1998 and United States Patent 5,939,122 to Brady issued on August 17, 1999, and asserted by Meyer Intellectual Properties Limited and Meyer Corporation, U.S. (hereinafter "Meyer"). I have also decided to evaluate the conduct of Mr. Frank A. Brady (hereinafter "Brady") regarding the designs of the apparatus he presented to the USPTO.

II. BACKGROUND, EDUCATION AND QUALIFICATIONS

 I am a resident of Warwick, New York and have been an industrial designer for the past 50 years, and have experience in both practical and academic areas of the industrial design field, which is detailed in my Curriculum Vitae attached as Exhibit 1.

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