

1 UNITED STATES PATENT AND TRADEMARK OFFICE
2 BEFORE THE PATENT TRIAL AND APPEAL BOARD
3

4 ONE WORLD TECHNOLOGIES, INC., D/B/A
5 TECHTRONIC INDUSTRIES POWER EQUIPMENT,

6 Petitioner,

7 v.

8 CHERVON (HK) LIMITED

9 Patent Owner.
10

11 Case IPR2020-00884

12 U.S. Patent No. 9,596,806

13 Case IPR2020-00886

14 U.S. Patent No. 9,826,686

15 Case IPR2020-00887

16 U.S. Patent No. 9,986,686

17 Case IPR2020-00888

18 U.S. Patent No. 10,070,588
19
20

21 * DESIGNATED AS CONFIDENTIAL *
22

CONFIDENTIAL
Transcript of Lee Sowell
Conducted on January 19, 2021

2

1 REMOTE DEPOSITION of LEE SOWELL

2 Tuesday, January 19, 2021

3 10:05 a.m. CST

4
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7
8
9
10
11
12 Job No.: 346444

13 Pages: 1 - 88

14 Reported By: Michelle M. Yohler, CSR, RMR, CRR
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Transcript of Lee Sowell
Conducted on January 19, 2021

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1 Deposition of LEE SOWELL, held remotely
2 pursuant to notice before Michelle M. Yohler, CSR,
3 RMR, CRR, a certified shorthand reporter, CSR
4 No. 84-4531.
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A P P E A R A N C E S

ON BEHALF OF THE PETITIONER

MR. EDWARD H. SIKORSKI

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-and-

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A P P E A R A N C E S C O N T I N U E D

ON BEHALF OF THE PATENT OWNER

MR. MATTHEW J. LEVINSTEIN

GREENBERG TRAURIG, LLP

77 West Wacker Drive, Suite 3100

Chicago, Illinois 60601

312.456.8400

levinsteinm@gtlaw.com

ALSO PRESENT:

Mr. Brennan Plummer, Technician

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Transcript of Lee Sowell
Conducted on January 19, 2021

6

E X A M I N A T I O N S

WITNESS

PAGE

LEE SOWELL

By Mr. Levinstein..... 8

By Mr. Sikorski..... 84

E X H I B I T S

EXHIBITS

PAGE

No. 1036 Declaration of Lee Sowell..... 32

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Transcript of Lee Sowell
Conducted on January 19, 2021

7

P R O C E E D I N G S

09:57:14

TECHNICIAN PLUMMER: Thank you to everyone
for attending this proceeding remotely, which we
anticipate will run smoothly.

09:57:14

Please remember to speak slowly and do
your best not to talk over one another. Please be
aware that we are recording this proceeding for
backup purposes. Any off-the-record discussions
should be had away from the computer. Please
remember to mute your mic for those conversations.

Please have your video enabled to help the
reporter identify who is speaking. If you are
unable to connect with video and are connecting
via phone, please identify yourself each time
before speaking.

We will provide a complimentary, unedited
recording of this deposition with the purchase of
a transcript.

I apologize in advance for any
technical-related interruptions.

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Transcript of Lee Sowell
Conducted on January 19, 2021

8

1 (WHEREUPON, the witness was duly sworn.)

2 LEE SOWELL,

3 called as a witness herein, having been first duly
4 sworn, was examined and testified as follows:

5 CROSS-EXAMINATION

10:05:04

6 BY MR. LEVINSTEIN:

10:05:04

7 Q My name is Matthew Levinstein, Mr. Sowell.

10:05:05

8 I am an attorney with Greenberg Traurig who

10:05:09

9 represents the patent owner in a series of IPRs

10:05:13

10 that I'm fairly confident you're aware of.

10:05:17

11 Is that correct?

10:05:20

12 A Yes.

10:05:21

13 Q And you understand, Mr. Sowell, that this

10:05:21

14 is a deposition and that I do not represent you

10:05:24

15 personally or the petitioner in this IPR -- in

10:05:29

16 these IPRs, correct?

10:05:35

17 A Yes.

10:05:37

18 Q And you understand that you are

10:05:37

19 represented by your own counsel, I believe

10:05:38

20 Mr. Sikorski today, correct?

10:05:41

21 A Yes.

10:05:43

22 Q Okay.

10:05:43

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TTI
Exhibit 1039 - Page 8

CONFIDENTIAL
Transcript of Lee Sowell
Conducted on January 19, 2021

9

1 MR. LEVINSTEIN: Ed, do you want to put
2 you appearance on the record?

10:05:50

10:05:51

3 MR. SIKORSKI: Yeah. Sorry, Matt, I was
4 just talking into a muted phone. I was expecting
5 a little bit more of an introduction before we dug
6 into the deposition, so thanks, Matt.

10:05:54

10:05:54

10:05:55

10:06:00

7 Just at the outset on the front page of
8 the, sort of, transcript, I'd like to designate
9 the transcript confidential. I suspect that some
10 business confidential testimony will happen today,
11 so let's do that as a precursor.

10:06:03

10:06:05

10:06:07

10:06:10

10:06:13

12 But I'm sure in terms of appearances, I'm
13 sure the record will already reflect that I'm here
14 on behalf of petitioner, and with me also online
15 today is my colleague, Damon Lewis, of the same
16 firm, DLA Piper.

10:06:17

10:06:19

10:06:22

10:06:26

10:06:28

17 Thanks, Matt.

10:06:29

18 MR. LEVINSTEIN: Sure.

10:06:30

19 BY MR. LEVINSTEIN:

10:06:31

20 Q Mr. Sowell, have you been deposed before?

10:06:31

21 A Yes.

10:06:33

22 Q How many times?

10:06:33

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TTI
Exhibit 1039 - Page 9

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Transcript of Lee Sowell
Conducted on January 19, 2021

10

1	A	Three times, I think.	10:06:34
2	Q	So I won't go through the long-form format	10:06:39
3		because it sounds like you're familiar with it,	10:06:44
4		but this is my first rodeo with the remote	10:06:47
5		deposition. I don't know if you've done this	10:06:49
6		before, but we'll just have to do our best to make	10:06:51
7		sure that we don't talk over each other.	10:06:55
8		And I will do my best to allow you to	10:07:00
9		finish your answers before I jump in with another	10:07:03
10		question or a follow-up.	10:07:06
11		And I appreciate the same courtesy, even	10:07:07
12		if you think you know where the question is going,	10:07:11
13		that you try to wait until I'm through with my	10:07:15
14		question before jumping in with an answer, okay?	10:07:19
15	A	Okay. Yes.	10:07:21
16	Q	Okay. And obviously let me know if you	10:07:24
17		need a break or anything like that.	10:07:27
18		So could you please state and spell your	10:07:28
19		name for the record.	10:07:32
20	A	First name Lee, L-e-e, last name Sowell,	10:07:32
21		S, like Sam, o-w-e-l-l.	10:07:39
22	Q	Do you have a current employer,	10:07:42

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TTI
Exhibit 1039 - Page 10

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Transcript of Lee Sowell
Conducted on January 19, 2021

11

1	Mr. Sowell?	10:07:44
2	A I do.	10:07:44
3	Q Who is it?	10:07:44
4	A One World Technologies, Inc.	10:07:45
5	Q What is your title?	10:07:48
6	A Group President Outdoor Power Equipment.	10:07:49
7	Q Briefly what are your responsibilities as	10:07:54
8	group outdoor power president?	10:07:57
9	A All the full functions you would expect,	10:07:59
10	sales, marketing, product development,	10:08:03
11	engineering, customer service, full P&L	10:08:06
12	responsibility for the business, you know, all the	10:08:11
13	things a normal functioning company would -- would	10:08:14
14	have.	10:08:19
15	Q Do you have any direct reports as the	10:08:19
16	group outdoor power president?	10:08:24
17	A Yes.	10:08:28
18	[REDACTED]	10:08:28
19	[REDACTED]	10:08:32
20	[REDACTED]	10:08:33
21	[REDACTED]	10:08:38
22	[REDACTED]	10:08:42

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Transcript of Lee Sowell
Conducted on January 19, 2021

12

1	[REDACTED]	10:08:43
2	[REDACTED]	10:08:45
3	[REDACTED]	10:08:47
4	[REDACTED]	10:08:59
5	[REDACTED]	10:09:02
6	[REDACTED]	10:09:09
7	[REDACTED]	10:09:21
8	[REDACTED]	10:09:40
9	[REDACTED]	10:09:42
10	[REDACTED]	10:09:48
11	[REDACTED]	10:09:48
12	[REDACTED]	10:09:55
13	[REDACTED]	10:10:01
14	[REDACTED]	10:10:02
15	[REDACTED]	10:10:03
16	[REDACTED]	10:10:05
17	[REDACTED]	10:10:08
18	[REDACTED]	10:10:08
19	[REDACTED]	10:10:15
20	[REDACTED]	10:10:20
21	[REDACTED]	10:10:22
22	[REDACTED]	10:10:24

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Transcript of Lee Sowell
Conducted on January 19, 2021

13

1	[REDACTED]	10:10:24
2	[REDACTED]	10:10:29
3	[REDACTED]	10:10:31
4	[REDACTED]	10:10:47
5	[REDACTED]	10:10:59
6	[REDACTED]	10:11:00
7	[REDACTED]	10:11:03
8	[REDACTED]	10:11:03
9	Q And who is Bobby Shaw by title?	10:11:10
10	A He is President of Consumer Power Tools	10:11:14
11	for OWT, One World Technology doing business as	10:11:21
12	Techtronic Industries Power Equipment.	10:11:31
13	Q The petitioner in the IPRs?	10:11:31
14	A Yes.	10:11:33
15	Q Okay. The same company you work for?	10:11:34
16	A That is correct.	10:11:39
17	[REDACTED]	10:11:39
18	[REDACTED]	10:11:48
19	[REDACTED]	10:11:50
20	[REDACTED]	10:11:51
21	[REDACTED]	10:11:56
22	[REDACTED]	10:11:57

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TTI
Exhibit 1039 - Page 13

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Transcript of Lee Sowell
Conducted on January 19, 2021

14

1	[REDACTED]	10:11:58
2	[REDACTED]	10:12:00
3	[REDACTED]	10:12:05
4	[REDACTED]	10:12:05
5	[REDACTED]	10:12:11
6	[REDACTED]	10:12:13
7	[REDACTED]	10:12:14
8	[REDACTED]	10:12:21
9	Q And who is Mr. Nate Easter by title?	10:12:24
10	A He is Executive Vice President of	10:12:29
11	Techtronic Industries Company Limited of --	10:12:32
12	Executive Vice President of Operations.	10:12:40
13	Q Mr. Easter is the Executive Vice President	10:12:46
14	of Operations of the -- is that the Hong Kong	10:12:48
15	entity, Techtronic Industries Company Limited?	10:12:52
16	A Yes.	10:12:55
17	[REDACTED]	10:12:55
18	[REDACTED]	10:13:07
19	[REDACTED]	10:13:11
20	[REDACTED]	10:13:12
21	[REDACTED]	10:13:21
22	[REDACTED]	10:13:23

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TTI
Exhibit 1039 - Page 14

CONFIDENTIAL
Transcript of Lee Sowell
Conducted on January 19, 2021

15

1	[REDACTED]	10:13:32
2	[REDACTED]	10:13:34
3	[REDACTED]	10:13:41
4	[REDACTED]	10:13:44
5	[REDACTED]	10:13:53
6	[REDACTED]	10:14:04
7	[REDACTED]	10:14:08
8	[REDACTED]	10:14:08
9	[REDACTED]	10:14:09
10	[REDACTED]	10:14:17
11	[REDACTED]	10:14:17
12	[REDACTED]	10:14:20
13	[REDACTED]	10:14:24
14	[REDACTED]	10:14:27
15	[REDACTED]	10:14:30
16	[REDACTED]	10:14:35
17	[REDACTED]	10:14:37
18	[REDACTED]	10:14:52
19	[REDACTED]	10:14:52
20	[REDACTED]	10:14:54
21	[REDACTED]	10:14:56
22	[REDACTED]	10:15:00

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Transcript of Lee Sowell
Conducted on January 19, 2021

16

1	[REDACTED]	10:15:02
2	[REDACTED]	10:15:03
3	[REDACTED]	10:15:08
4	[REDACTED]	10:15:10
5	[REDACTED]	10:15:16
6	[REDACTED]	10:15:16
7	MR. SIKORSKI: I'm going to make an	10:15:18
8	objection to relevance.	10:15:19
9	Matt, I understand that you're entitled to	10:15:20
10	get a little bit into the corporate structure, but	10:15:25
11	once we're digging into personal roles and	10:15:27
12	responsibilities, I just don't see that to be	10:15:30
13	germane to any issue that we're -- that we're	10:15:33
14	dealing with.	10:15:36
15	So maybe after Mr. Sowell answers this	10:15:36
16	question, we can move to a relevant topic.	10:15:39
17	MR. LEVINSTEIN: I would ask,	10:15:44
18	Mr. Sikorski, that you limit your objections to a	10:15:46
19	single word and not to give coaching objections to	10:15:49
20	the witness.	10:15:58
21	MR. SIKORSKI: I wasn't making an	10:15:58
22	objection to your question. I was explaining to	10:15:59

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TTI
Exhibit 1039 - Page 16

CONFIDENTIAL
Transcript of Lee Sowell
Conducted on January 19, 2021

17

1 you that you need to move to new topics.

10:16:02

2 MR. LEVINSTEIN: Ms. Reporter, would you
3 read the question back for Mr. Sowell to answer.

10:16:38

10:16:40

4 (WHEREUPON, the record was
5 read by the reporter as follows:

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

10:16:42

12 [REDACTED]

10:16:42

13 [REDACTED]

10:16:42

14 [REDACTED]

10:16:45

15 [REDACTED]

10:16:47

16 [REDACTED]

10:16:50

17 [REDACTED]

10:16:54

18 [REDACTED]

10:16:57

19 [REDACTED]

10:16:57

20 [REDACTED]

10:17:00

21 [REDACTED]

10:17:04

22 [REDACTED]

10:17:07

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TTI
Exhibit 1039 - Page 17

CONFIDENTIAL
Transcript of Lee Sowell
Conducted on January 19, 2021

18

1	[REDACTED]	10:17:09
2	[REDACTED]	10:17:10
3	[REDACTED]	10:17:11
4	[REDACTED]	10:17:14
5	[REDACTED]	10:17:17
6	[REDACTED]	10:17:20
7	[REDACTED]	10:17:23
8	[REDACTED]	10:17:26
9	[REDACTED]	10:17:26
10	[REDACTED]	10:17:27
11	[REDACTED]	10:17:30
12	[REDACTED]	10:17:32
13	[REDACTED]	10:17:35
14	[REDACTED]	10:17:38
15	[REDACTED]	10:17:39
16	[REDACTED]	10:17:42
17	[REDACTED]	10:17:44
18	[REDACTED]	10:17:45
19	[REDACTED]	10:17:46
20	[REDACTED]	10:17:49
21	[REDACTED]	10:17:50
22	[REDACTED]	10:17:51

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Transcript of Lee Sowell
Conducted on January 19, 2021

19

1 Matt, I'm sure you're aware as an
2 experienced attorney, there's a limit to
3 cross-examination. You're limited today to
4 cross-examine Mr. Sowell on his direct testimony.
5 His direct testimony was submitted via
6 declaration.

7 The declaration was four paragraphs to it.

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 So, again, Mr. Sowell, don't answer that
13 until Mr. Levinstein is able to explain to me the
14 relevance.

15 MR. LEVINSTEIN: Mr. Sowell issued a
16 declaration -- I'm sorry, he signed a declaration
17 that was in support of petitioner's motion to
18 amend -- I believe it was in support of
19 petitioner's motion to amend. It might have been
20 in support of one of other briefs relating to the
21 identification of real parties in interest.

22 As you know, Mr. Sikorski, the

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TTI
Exhibit 1039 - Page 19

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Transcript of Lee Sowell
Conducted on January 19, 2021

20

1 identification of real parties in interest is a 10:18:53
2 requirement to every petition filed before the 10:18:55
3 PTAB. As you also know, the relationship between 10:18:57
4 the named petitioner and the unnamed and 10:19:01
5 potentially real parties in interest is -- goes to 10:19:04
6 the Hart of the issue. 10:19:08

7 All I am doing here at a very high 10:19:08
8 level -- and, frankly, I'm trying to get through 10:19:11
9 it quickly if I hadn't been stopped by what I view 10:19:15
10 as a needless objection -- is to understand the 10:19:19
11 relationship between petitioner and Mr. Sowell, 10:19:21
12 who filed the -- who signed the declaration, those 10:19:23
13 that work for him and those that may also work for 10:19:26
14 one of the unnamed real parties in interest. 10:19:28

15 You can disagree or agree -- 10:19:31

16 [REDACTED] 10:19:34
17 [REDACTED] 10:19:37
18 [REDACTED] 10:19:41
19 [REDACTED] 10:19:47
20 [REDACTED] 10:19:51
21 [REDACTED] 10:19:53
22 [REDACTED] 10:19:57

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Transcript of Lee Sowell
Conducted on January 19, 2021

21

1	MR. LEVINSTEIN: Mr. Sikorski, are you	10:20:07
2	going to let Mr. Sowell answer the question or no?	10:20:09
3	MR. SIKORSKI: What was the question that	10:20:12
4	was on the table?	10:20:13
5	MR. LEVINSTEIN: I'm just trying to find	10:20:13
6	out at a high level what each of those individuals	10:20:14
7	do, and I think the best way to do that is by	10:20:18
8	asking what their titles are.	10:20:21
9	MR. SIKORSKI: I will let you get the	10:20:28
10	titles, to the extent Mr. Sowell knows them, of	10:20:29
11	[REDACTED]	10:20:32
12	[REDACTED]	10:20:33
13	[REDACTED]	10:20:35
14	[REDACTED]	10:20:40
15	[REDACTED]	10:20:42
16	[REDACTED]	10:20:44
17	[REDACTED]	10:20:46
18	[REDACTED]	10:20:47
19	[REDACTED]	10:20:50
20	[REDACTED]	10:20:51
21	[REDACTED]	10:20:55
22	[REDACTED]	10:20:56

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TTI
Exhibit 1039 - Page 21

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Transcript of Lee Sowell
Conducted on January 19, 2021

22

1	[REDACTED]	10:21:05
2	[REDACTED]	10:21:09
3	[REDACTED]	10:21:10
4	[REDACTED]	10:21:21
5	[REDACTED]	10:21:22
6	[REDACTED]	10:21:24
7	[REDACTED]	10:21:29
8	[REDACTED]	10:21:32
9	[REDACTED]	10:21:32
10	[REDACTED]	10:21:33
11	[REDACTED]	10:21:37
12	[REDACTED]	10:21:38
13	[REDACTED]	10:21:39
14	[REDACTED]	10:21:46
15	[REDACTED]	10:21:46
16	[REDACTED]	10:21:47
17	[REDACTED]	10:21:51
18	[REDACTED]	10:21:58
19	[REDACTED]	10:21:59
20	[REDACTED]	10:22:08
21	[REDACTED]	10:22:11
22	[REDACTED]	10:22:15

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Conducted on January 19, 2021

23

1	[REDACTED]	10:22:15
2	[REDACTED]	10:22:20
3	[REDACTED]	10:22:25
4	[REDACTED]	10:22:25
5	[REDACTED]	10:22:35
6	[REDACTED]	10:22:39
7	[REDACTED]	10:22:48
8	[REDACTED]	10:22:50
9	[REDACTED]	10:22:54
10	[REDACTED]	10:23:02
11	[REDACTED]	10:23:02
12	[REDACTED]	10:23:09
13	[REDACTED]	10:23:12
14	[REDACTED]	10:23:12
15	[REDACTED]	10:23:13
16	[REDACTED]	10:23:14
17	BY MR. LEVINSTEIN:	10:23:19
18	Q Mr. Sowell, are you a director of One	10:23:20
19	World Technologies, Inc. -- I'm sorry, are you on	10:23:22
20	the board of directors for One World	10:23:24
21	Technologies, Inc.?	10:23:27
22	A I don't know.	10:23:27

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Transcript of Lee Sowell
Conducted on January 19, 2021

24

1	Q	Let's get more general. Are you on the	10:23:30
2		board of directors for any company?	10:23:40
3	A	Yes.	10:23:41
4	Q	Okay. Which companies are you on the	10:23:41
5		board of directors on that you can think of?	10:23:48
6	A	The Outdoor Power Equipment Institute,	10:23:49
7		which is an industry association.	10:23:52
8	Q	No -- there's no relation to any of the	10:23:54
9		One World or Techtronic entities?	10:23:59
10	A	No.	10:24:01
11	Q	No common ownership?	10:24:01
12	A	No. That's an industry organization	10:24:05
13		that's not owned by anybody. It's a non-profit	10:24:08
14		organization supporting the outdoor power	10:24:12
15		equipment industry.	10:24:14
16	Q	Sure. And then you said you may be on the	10:24:14
17		board of directors but you're not sure for One	10:24:19
18		World Technologies, Inc.?	10:24:23
19	A	I said I don't know. I didn't say I may	10:24:23
20		be.	10:24:26
21	Q	So you might be on the board? I'm not	10:24:26
22		trying to get you, I just --	10:24:31

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CONFIDENTIAL
Transcript of Lee Sowell
Conducted on January 19, 2021

25

1	A	I don't know.	10:24:33
2	Q	Do you attend board meetings for One World	10:24:34
3		Technologies, Inc.?	10:24:37
4	A	No, I do not.	10:24:37
5	Q	Do you attend board meetings for any	10:24:38
6		related One World or Techtronic entity?	10:24:42
7	A	No, I --	10:24:45
8		MR. SIKORSKI: Objection, form.	10:24:47
9		BY MR. LEVINSTEIN:	10:24:48
10	Q	I'm sorry, I missed your answer,	10:24:49
11		Mr. Sowell.	10:24:50
12	A	I said, no, I do not.	10:24:52
13	Q	No you do not. Okay.	10:24:53
14		Before your time as the group outdoor	10:24:55
15		power products president, did you work for One	10:25:16
16		World Technologies, Inc.?	10:25:19
17	A	I'm trying to understand your question.	10:25:19
18		Before -- I guess the answer is yes, in that my	10:25:27
19		title changed to Group, happened since I came	10:25:30
20		aboard, yes.	10:25:35
21	Q	So what was your title before that, for	10:25:35
22		your current title?	10:25:38

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IPR2020-00884, -00886, -00887, -00888

TTI
Exhibit 1039 - Page 25

CONFIDENTIAL
Transcript of Lee Sowell
Conducted on January 19, 2021

26

1	A	President before I was Group President.	10:25:39
2	Q	What changed in terms of your	10:25:42
3		responsibilities when your title changed, if	10:25:44
4		anything, when your title changed to Group	10:25:49
5		President?	10:25:51
6	A	Nothing changed really. I promoted one of	10:25:51
7		my people to president, and having two presidents	10:25:54
8		was cumbersome, so I was promoted to Group	10:25:58
9		President.	10:26:01
10	Q	Very good.	10:26:01
11		How long have you worked for One World	10:26:05
12		Technologies, Inc.?	10:26:07
13	A	19 years.	10:26:07
14	Q	When you started 19 years ago, what was	10:26:10
15		your position when you joined the company?	10:26:14
16	A	I was senior vice president sales and	10:26:15
17		marketing.	10:26:19
18	Q	Okay. Before you joined One World	10:26:19
19		Technologies, Inc., as senior vice president of	10:26:29
20		sales and marketing, where did you work?	10:26:30
21	MR. SIKORSKI:	Objection, relevance.	10:26:33
22		You can answer, Mr. Sowell, briefly.	10:26:45

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CONFIDENTIAL
Transcript of Lee Sowell
Conducted on January 19, 2021

27

1 BY THE WITNESS:

10:26:47

2 A I worked for a company called -- I'm
3 trying to think what our name was exactly at the
4 time I left. But Electrolux Home Products was
5 our -- was the name of the company that I came to
6 TTi from.

10:26:47

10:26:49

10:26:52

10:26:57

10:26:59

7 BY MR. LEVINSTEIN:

10:27:00

8 Q Okay. So you -- a clearer way to ask was,
9 you didn't work for any other TTi entity before
10 you joined about 19 years ago as Senior Vice
11 President of Sales and Marketing, correct?

10:27:00

10:27:02

10:27:06

10:27:09

12 A That is correct; I did not.

10:27:11

13 Q Okay. Who -- who made the decision to
14 file the IPR and the IPR petitions that you
15 submitted a declaration for?

10:27:12

10:27:19

10:27:28

16 A Ultimately me.

10:27:29

17 Q Did you consult with anyone before making
18 the decision to file the IPRs?

10:27:31

10:27:40

19 A Yes.

10:27:42

20 Q Who did you consult with?

10:27:42

21 A In-house counsel.

10:27:48

22 Q Anybody else?

10:27:50

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IPR2020-00884, -00886, -00887, -00888

TTI
Exhibit 1039 - Page 27

CONFIDENTIAL
Transcript of Lee Sowell
Conducted on January 19, 2021

28

1	A	No.	10:27:54
2	Q	Okay. And when you say "in-house	10:27:56
3		counsel," can you be more specific. Can you	10:28:00
4		provide the names of the people.	10:28:05
5	A	Sure. Ben Alley, Mark Rowe.	10:28:06
6	Q	Ben Alley?	10:28:10
7	A	Yes.	10:28:12
8	Q	Would you mind just spelling their --	10:28:13
9		their names for the record.	10:28:15
10	A	B-e-n, A-l-l-e-y. And Mark, M-a-r-k,	10:28:16
11		Rowe, R-o-w-e.	10:28:23
12	Q	And Mr. Alley and Mr. Rowe, are they --	10:28:29
13		who are they employees of?	10:28:35
14	A	One World Technologies, Inc.	10:28:37
15	Q	Do you know what their titles are?	10:28:39
16	A	Not specifically. I believe Mark's is	10:28:46
17		general counsel. Ben's is -- I'm not sure	10:28:49
18		specifics of his title.	10:28:53
19	Q	I apologize, I can't remember if I asked	10:28:54
20		this question. Other than your in-house counsel,	10:29:04
21		did you consult with anybody else about your	10:29:06
22		decision to file the IPRs?	10:29:08

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IPR2020-00884, -00886, -00887, -00888

TTI
Exhibit 1039 - Page 28

CONFIDENTIAL
Transcript of Lee Sowell
Conducted on January 19, 2021

29

1	A	You asked and the answer was no.	10:29:10
2	Q	Okay. Thank you.	10:29:12
3	A	Mm-hm.	10:29:14
4	Q	Who made the decision as to who to name as	10:29:14
5		the petitioner in these IPRs?	10:29:18
6	MR. SIKORSKI:	I'm going to instruct	10:29:24
7		Mr. Sowell not to answer that because that's going	10:29:26
8		into the substance of communications between	10:29:29
9		himself and counsel.	10:29:33
10		Mr. Sowell, don't answer that question.	10:29:35
11	MR. LEVINSTEIN:	I asked for the names; I	10:29:38
12		didn't ask for the discussions or the substance of	10:29:42
13		it. It's simply a fact about who made the	10:29:45
14		decision.	10:29:47
15		So I think that's -- you know, and I -- I	10:29:49
16		do understand that I'm nibbling around the edges	10:29:53
17		here but, you know, I'm trying to keep my	10:29:56
18		questions on the -- on the right side of this. So	10:29:58
19		I think that's a question Mr. Sowell can answer	10:30:04
20		without divulging any privileged information.	10:30:06
21		So I'd ask that Mr. Sowell answer that	10:30:10
22		question.	10:30:11

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IPR2020-00884, -00886, -00887, -00888

TTI
Exhibit 1039 - Page 29

CONFIDENTIAL
Transcript of Lee Sowell
Conducted on January 19, 2021

30

1 MR. SIKORSKI: I'm going to disagree
2 respectfully, Matt. I mean, the question
3 itself -- you know, the foundation of your
4 question is the substance of communications and
5 decisions that were made between Mr. Sowell and
6 lawyers. He just told you that the only people he
7 consulted were lawyers.

8 So I'm going to -- obviously I will
9 concede it's a -- someone had to decide who to put
10 as the petitioner, but I'm not going to allow
11 Mr. Sowell to get into the nitty-gritty of
12 confidentiality communications, attorney-client
13 privileged communications. Sorry.

14 MR. LEVINSTEIN: Sure. And to be clear,
15 I'm not asking for the nitty-gritty of
16 attorney-client communications. What I'm asking
17 for is a name of the person who did that.

18 MR. SIKORSKI: Yeah, same difference
19 between -- because the decision will have been
20 based on communications.

21 So we're not going to -- we're not going
22 to get into that. Sorry, Matt, but I'm going to

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IPR2020-00884, -00886, -00887, -00888

TTI
Exhibit 1039 - Page 30

CONFIDENTIAL
Transcript of Lee Sowell
Conducted on January 19, 2021

31

1	draw a hard line there.	10:31:15
2	Mr. Sowell, please do not answer that	10:31:16
3	question.	10:31:19
4	MR. LEVINSTEIN: And I know that this is	10:31:37
5	going to elicit an objection, Mr. Sikorski, and	10:31:39
6	you do as you see fit, but I do want to make sure	10:31:41
7	the record is clear here. I'm going to try this	10:31:44
8	another way.	10:31:47
9	BY MR. LEVINSTEIN:	10:31:48
10	Q And if you can answer this, yes or no,	10:31:48
11	Mr. Sowell, did you make the decision as to who	10:31:50
12	should be named as the petitioners in the IPRs	10:31:54
13	that were filed?	10:31:58
14	MR. SIKORSKI: Mr. Sowell, without	10:31:59
15	belaboring the same objections, this goes into the	10:32:01
16	nitty-gritty or the substance of communications	10:32:04
17	between yourself and lawyers, which, in other	10:32:07
18	words, is invasive of the attorney-client	10:32:10
19	privilege. So, please, Mr. Sowell do not answer	10:32:13
20	that question.	10:32:14
21	BY MR. LEVINSTEIN:	10:32:16
22	Q Mr. Sowell, do you have your declaration	10:32:22

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IPR2020-00884, -00886, -00887, -00888

TTI
Exhibit 1039 - Page 31

CONFIDENTIAL
Transcript of Lee Sowell
Conducted on January 19, 2021

32

1	handy?	10:32:25
2	A Yes.	10:32:25
3	MR. LEVINSTEIN: And I don't know,	10:32:27
4	Ms. Court Reporter and Brennan, if there's a way	10:32:28
5	to bring up exhibits or if they've already been	10:32:32
6	marked, but I'd basically like to turn to	10:32:34
7	Mr. Sowell's declaration, which is one of the	10:32:39
8	files we sent you as an exhibit.	10:32:41
9	TECHNICIAN PLUMMER: If you give me one	10:32:44
10	moment.	10:32:46
11	MR. SIKORSKI: Matt, for purposes of the	10:32:47
12	record of this deposition, I'm perfectly okay	10:32:49
13	referring to Mr. Sowell's declaration as	10:32:52
14	Exhibit 1036, which is the exhibit number it	10:32:55
15	already bears in the patent office proceedings.	10:32:57
16	MR. LEVINSTEIN: Absolutely. Yeah, that	10:32:59
17	makes good sense.	10:33:01
18	(WHEREUPON, Exhibit No. 1036 was presented	10:33:09
19	to the witness.)	10:33:09
20	BY MR. LEVINSTEIN:	10:33:09
21	Q So, Mr. Sowell, you have Exhibit 1036 in	10:33:09
22	front of you?	10:33:12

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TTI
Exhibit 1039 - Page 32

CONFIDENTIAL
Transcript of Lee Sowell
Conducted on January 19, 2021

33

1	A Yes.	10:33:13
2	Q And I don't know exactly what you're	10:33:13
3	looking at, but I presume that it's your	10:33:15
4	declaration of Lee Sowell; is that correct?	10:33:20
5	A That is correct.	10:33:22
6	Q And you'd agree that you -- that you	10:33:22
7	signed this declaration, which was then submitted	10:33:30
8	in identical format across the variety of, I	10:33:32
9	believe, the eight or however many IPRs and PGRs	10:33:42
10	that were filed by the petitioner, correct?	10:33:46
11	MR. SIKORSKI: I'll represent, Matt,	10:33:49
12	Mr. Sowell might not be aware of the -- you know,	10:33:51
13	the fine line reporting submission for these	10:33:54
14	proceedings.	10:33:57
15	To be clear, the deposition today is for	10:33:58
16	only four of the proceedings, which I'm sure the	10:34:00
17	record will reflect, but, yeah, it's the same	10:34:02
18	declaration across the four proceedings.	10:34:06
19	Sorry to interject.	10:34:09
20	MR. LEVINSTEIN: Sure.	10:34:11
21	BY MR. LEVINSTEIN:	10:34:11
22	Q So, Mr. Sowell, in the third paragraph of	10:34:14

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Transcript of Lee Sowell
Conducted on January 19, 2021

34

1 your declaration, you say "I understand that" --
2 and then it continues.

3 So you have an understanding about the
4 structure -- the corporate ownership structure of
5 several TTi entities in this paragraph, right?

6 A Yes.

7 Q And so what is your understanding there
8 based on?

9 A I'm not sure I understand the question.

10 Q Well, I'm just -- I'm just wondering, you
11 know, where did you come to learn that
12 information? You say, "I understand that One
13 World Technologies, Inc., is a wholly owned
14 subsidiary of Techtronic Industries North America,
15 Inc." -- and it goes on.

16 But what is that understanding based on?
17 Where did you learn that information?

18 A It's our company structure. I work here.

19 Q Mm-hm.

20 A I run a large division of the outdoor
21 power equipment part of One World Technologies.

22 Q And so you say in the fourth paragraph,

10:34:16

10:34:23

10:34:24

10:34:25

10:34:30

10:34:34

10:34:34

10:34:38

10:34:42

10:34:44

10:34:47

10:34:49

10:34:53

10:34:55

10:34:58

10:35:00

10:35:03

10:35:05

10:35:09

10:35:11

10:35:16

10:35:19

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IPR2020-00884, -00886, -00887, -00888

TTI
Exhibit 1039 - Page 34

CONFIDENTIAL
Transcript of Lee Sowell
Conducted on January 19, 2021

36

1 BY THE WITNESS:

10:36:30

2 A No, I did not.

10:36:30

3 BY MR. LEVINSTEIN:

10:36:33

4 Q Okay. And just to be clear, I think I'm
5 getting at something a little bit different here.

10:36:33

10:36:36

6 I do recognize that I asked before about the --

10:36:38

7 the final decision to file these IPRs. And it

10:36:42

8 sounds like that was a decision that was -- that

10:36:47

9 you ultimately had the -- you ultimately had the

10:36:51

10 authority to make and did make, Mr. Sowell,

10:36:54

11 correct?

10:36:56

12 A Yes.

10:36:56

13 Q But what I'm asking here is, you know,

10:36:58

14 along the way, along the path towards you making

10:37:00

15 the final decision to file the IPRs, was there

10:37:04

16 discussion with anyone about the IPRs and about

10:37:10

17 ultimately the scope of them or when you would

10:37:16

18 file them, et cetera, et cetera?

10:37:18

19 MR. SIKORSKI: Objection to form; asked

10:37:23

20 and answered.

10:37:24

21 And, Mr. Sowell, obviously you can answer

10:37:25

22 the question, but refrain from revealing any --

10:37:28

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TTI
Exhibit 1039 - Page 36

CONFIDENTIAL
Transcript of Lee Sowell
Conducted on January 19, 2021

37

1	the substance of any conversation, you know,	10:37:35
2	pertaining to the question on the table that you	10:37:38
3	might have had with lawyers.	10:37:43
4	But you can answer the question.	10:37:44
5	THE WITNESS: Okay.	10:37:46
6	BY THE WITNESS:	10:37:48
7	A Mr. Levinstein, can you ask the question	10:37:48
8	again, please.	10:37:50
9	BY MR. LEVINSTEIN:	10:37:51
10	Q Sure. What I want to know is not just	10:37:52
11	limited to the final decision to actually file the	10:37:54
12	IPRs, but leading up to that, did you consult with	10:37:57
13	any folks at Techtronic Industries North	10:38:01
14	America, Inc., Techtronic Industries Company	10:38:07
15	Limited, or Homelite Consumer Products, Inc.?	10:38:09
16	MR. SIKORSKI: Same objections.	10:38:13
17	BY THE WITNESS:	10:38:14
18	A Yeah, no, I did not.	10:38:15
19	BY MR. LEVINSTEIN:	10:38:16
20	Q I'm sorry, it got garbled a little bit.	10:38:19
21	Did you say "no" Mr. Sowell?	10:38:23
22	A I said no, I did not.	10:38:27

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TTI
Exhibit 1039 - Page 37

CONFIDENTIAL
Transcript of Lee Sowell
Conducted on January 19, 2021

38

1	Q	Okay. Where is One World	10:38:28
2		Technologies, Inc.'s principal place of business?	10:38:43
3	A	Anderson --	10:38:44
4		MR. SIKORSKI: Objection, relevance.	10:38:45
5		I'm sorry, I might have spoken over you,	10:38:48
6		Mr. Sowell. You can repeat your answer. Sorry.	10:38:51
7		BY THE WITNESS:	10:38:54
8	A	Anderson, South Carolina.	10:38:55
9		BY MR. LEVINSTEIN:	10:38:56
10	Q	Is that 100 Innovation Way, Anderson,	10:38:56
11		South Carolina?	10:39:01
12	A	Yes.	10:39:01
13	Q	Where is Homelite Consumer	10:39:01
14		Products, Inc.'s principal place of business?	10:39:07
15	A	The same address, same place --	10:39:08
16	Q	Okay.	10:39:12
17	A	-- South Carolina.	10:39:12
18	Q	Where is OWT Industries, Inc.'s principal	10:39:13
19		place of business?	10:39:19
20	A	Same place, Anderson, South Carolina.	10:39:19
21	Q	And where is Hart Consumer	10:39:29
22		Products, Inc.'s principal place of business?	10:39:32

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CONFIDENTIAL
Transcript of Lee Sowell
Conducted on January 19, 2021

39

1	A	The same place, Anderson, South Carolina.	10:39:34
2	Q	Okay. So Homelite Consumer	10:39:36
3		Products, Inc., is a wholly owned subsidiary of	10:39:39
4		Techtronic Industries North America, Inc.,	10:39:44
5		correct?	10:39:46
6	A	That's correct.	10:39:46
7	Q	Okay. What is Homelite Consumer	10:39:47
8		Products, Inc.'s business?	10:39:56
9	A	It is a selling entity.	10:39:56
10	Q	And what is a selling entity?	10:39:57
11		[REDACTED]	10:40:05
12		[REDACTED]	10:40:08
13		[REDACTED]	10:40:14
14		[REDACTED]	10:40:18
15		[REDACTED]	10:40:20
16		[REDACTED]	10:40:23
17	MR. SIKORSKI:	Hey, Matt, before you move	10:40:27
18		to your next question, I noticed in the corner of	10:40:28
19		the screen -- obviously this deposition is being	10:40:32
20		done remotely. There seems to be a small icon	10:40:34
21		blinking next to the word "recording."	10:40:39
22		Do you know what that's all about?	10:40:42

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TTI
Exhibit 1039 - Page 39

CONFIDENTIAL
Transcript of Lee Sowell
Conducted on January 19, 2021

40

1	MR. LEVINSTEIN: I don't. Maybe Brennan	10:40:45
2	can fill us in or Michelle. I'm not sure.	10:40:46
3	TECHNICIAN PLUMMER: I can step in. We	10:40:51
4	record the deposition as a whole completely	10:40:54
5	unedited so the court reporter has a backup audio	10:40:55
6	and then we also -- if you order a transcript, we	10:40:59
7	give you the video completely unedited.	10:41:01
8	MR. SIKORSKI: Yeah, so I was given	10:41:05
9	assurances by Chervon's counsel, I believe it was	10:41:07
10	your colleague, Mr. Lukas, that this deposition	10:41:12
11	would not be video-recorded.	10:41:15
12	So, Brennan, if you have the ability to	10:41:18
13	discontinue the video recording, I would very much	10:41:20
14	appreciate it.	10:41:23
15	TECHNICIAN PLUMMER: I don't have a way to	10:41:28
16	discontinue it without recording the audio, but I	10:41:29
17	could delete the video after.	10:41:32
18	MR. SIKORSKI: I mean, if that's my only	10:41:40
19	option, I will do that.	10:41:42
20	I'm a little disappointed, Mr. Levinstein,	10:41:43
21	that this wasn't cleared with the court reporting	10:41:45
22	resources that you guys have engaged.	10:41:54

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TTI
Exhibit 1039 - Page 40

CONFIDENTIAL
Transcript of Lee Sowell
Conducted on January 19, 2021

41

1 But I guess, Brennan, as the -- I guess as
2 the person responsible for recording, obviously
3 audio would reasonably be okay since the court
4 reporter might need to double-check what was said,
5 but I don't want the video of this deposition
6 being shared with anyone. And to your point,
7 Brennan, if you could delete it immediately after
8 the deposition ends, that would be good.

10:41:56

10:42:02

10:42:07

10:42:11

10:42:13

10:42:15

10:42:19

10:42:23

9 TECHNICIAN PLUMMER: I can do that. And
10 while we're sitting here, I can look into ways
11 that I can stop recording the video.

10:42:27

10:42:28

10:42:31

12 MR. SIKORSKI: Okay.

10:42:35

13 MR. LEVINSTEIN: And just so the record's
14 clear, we did advise Planet Depos of the lack of a
15 need of a videographer and that we did not
16 need the -- we did not want the deposition
17 videotaped.

10:42:35

10:42:36

10:42:42

10:42:47

10:42:49

18 TECHNICIAN PLUMMER: My apologies. I
19 don't see that note. And we generally do these
20 backup recordings whether there's a videographer
21 or not, but I will be sure to delete it and try to
22 stop it on the way.

10:42:51

10:42:53

10:42:56

10:42:58

10:43:03

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IPR2020-00884, -00886, -00887, -00888

TTI
Exhibit 1039 - Page 41

CONFIDENTIAL
Transcript of Lee Sowell
Conducted on January 19, 2021

42

1	MR. SIKORSKI: Thanks, Brennan.	10:43:04
2	MR. LEVINSTEIN: It was -- this email was	10:43:05
3	sent Sunday, January 17th at 10:00 a.m. from Ben	10:43:06
4	Gilford to Scheduling at Planet Depos and to a	10:43:10
5	Jacque Wolf at Planet Depos, copying a number of	10:43:12
6	individuals.	10:43:18
7	TECHNICIAN PLUMMER: That would be the	10:43:18
8	right people to reach out.	10:43:19
9	MR. LEVINSTEIN: Okay.	10:43:41
10	MS. REPORTER: (Reporter comments off the	10:43:41
11	record.)	10:43:54
12	MR. SIKORSKI: No, Brennan, I trust you to	10:43:54
13	just delete the video portion once the deposition	10:43:55
14	is over. Thank you.	10:43:57
15	TECHNICIAN PLUMMER: I can do that for	10:44:05
16	sure.	10:44:07
17	MR. LEVINSTEIN: I don't know, Ed. I	10:44:07
18	think we all look good. I think we might want	10:44:07
19	this on video for posterity, I don't know.	10:44:10
20	BY MR. LEVINSTEIN:	10:44:12
21	<div style="background-color: black; width: 100%; height: 1.2em;"></div>	10:44:13
22	<div style="background-color: black; width: 100%; height: 1.2em;"></div>	10:44:15

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CONFIDENTIAL
Transcript of Lee Sowell
Conducted on January 19, 2021

43

1	[REDACTED]	10:44:16
2	[REDACTED]	10:44:21
3	[REDACTED]	10:44:25
4	[REDACTED]	10:44:27
5	[REDACTED]	10:44:29
6	[REDACTED]	10:44:30
7	[REDACTED]	10:44:37
8	[REDACTED]	10:44:42
9	[REDACTED]	10:44:46
10	[REDACTED]	10:44:46
11	[REDACTED]	10:44:47
12	[REDACTED]	10:44:48
13	[REDACTED]	10:44:50
14	[REDACTED]	10:44:53
15	[REDACTED]	10:44:57
16	Perhaps you can explain it to me, in which	10:45:01
17	case, I can withdraw the objection. But for now,	10:45:05
18	I'm just not sure why the business rationale of	10:45:08
19	one versus another arrangement pertains to the	10:45:11
20	scope of Mr. Sowell's direct testimony.	10:45:14
21	MR. LEVINSTEIN: I'm trying to ascertain	10:45:18
22	the extent to which these entities that we believe	10:45:19

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IPR2020-00884, -00886, -00887, -00888

TTI
Exhibit 1039 - Page 43

CONFIDENTIAL
Transcript of Lee Sowell
Conducted on January 19, 2021

44

1 should have been named as real parties of interest
2 are integrated or not integrated into the business
3 and operations of the named petitioner One World
4 Technologies, Inc., and that's what this line of
5 questioning is going to.

10:45:24

10:45:26

10:45:30

10:45:33

10:45:35

6 MR. SIKORSKI: Yeah, but you were asking
7 why, not what. I think you've already got the
8 what arrangement; I don't think you need the why
9 arrangement.

10:45:35

10:45:37

10:45:41

10:45:43

10 MR. LEVINSTEIN: Well, I think the why
11 goes to -- or could potentially go to -- I don't
12 know what the answer is -- could potentially go to
13 the extent of the level of integration between
14 Homelite Consumer Products, Inc., and the named
15 petitioner.

10:45:43

10:45:45

10:45:49

10:45:52

10:45:55

10:45:58

16 MR. SIKORSKI: I disagree. And I'll ask
17 Mr. Sowell not to answer for the reason I set
18 forth earlier that I think you're going very far
19 afield from this scope of permissible
20 cross-examination.

10:46:00

10:46:03

10:46:06

10:46:09

10:46:11

21 MR. LEVINSTEIN: So to be clear, your
22 objection is beyond the scope of direct?

10:46:20

10:46:22

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TTI
Exhibit 1039 - Page 44

CONFIDENTIAL
Transcript of Lee Sowell
Conducted on January 19, 2021

45

1 MR. SIKORSKI: Beyond the scope of cross.
2 I mean, you're -- the scope of cross-examination
3 is limited to the direct testimony. So whether
4 you personally, Matt, view it as beyond the scope
5 of Mr. Sowell's direct or, in my view, your going
6 beyond the scope of permissible cross-examination,
7 we can put it into either bucket or both. But you
8 understand where I'm coming from.

9 MR. LEVINSTEIN: Okay.

10 BY MR. LEVINSTEIN:

11 Q Mr. Sowell, Homelite Consumer
12 Products, Inc. -- well, let me take a step back
13 and give some context.

14 You know that there's a co-pending
15 litigation, aside from these IPRs, between
16 Chervon, the patent owner in the IPRs, and the
17 petitioner, One World Technologies, Inc., that's
18 currently pending, right?

19 A Yes.

20 Q And you know that certain Ryobi, amongst
21 other branded lawnmowers, are accused of
22 infringement on that action, right?

10:46:23
10:46:28
10:46:31
10:46:37
10:46:40
10:46:45
10:46:47
10:46:51
10:46:52
10:47:04
10:47:05
10:47:07
10:47:09
10:47:10
10:47:13
10:47:18
10:47:22
10:47:24
10:47:27
10:47:28
10:47:36
10:47:40

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IPR2020-00884, -00886, -00887, -00888

TTI
Exhibit 1039 - Page 45

CONFIDENTIAL
Transcript of Lee Sowell
Conducted on January 19, 2021

46

1	MR. SIKORSKI: Objection, relevance.	10:47:45
2	I'm sorry, Mr. Sowell, your audio might	10:47:47
3	have been cut off by my objection. You can answer	10:47:52
4	once again.	10:47:55
5	THE WITNESS: Okay.	10:47:56
6	BY THE WITNESS:	10:47:57
7	A Then the answer's yes.	10:47:57
8	BY MR. LEVINSTEIN:	10:47:58
9	Q Okay. And so you'd agree that Homelite	10:47:58
10	Consumer Products, Inc., they import and then sell	10:48:07
11	those products that are accused of infringement in	10:48:09
12	the district court litigation, right?	10:48:14
13	MR. SIKORSKI: Objection, relevance and	10:48:15
14	beyond the scope of Mr. Sowell's testimony in this	10:48:18
15	case.	10:48:22
16	So I -- Madam Court Reporter, can you read	10:48:23
17	back the question, please.	10:48:27
18	(WHEREUPON, the record was	10:48:32
19	read by the reporter.)	10:48:54
20	MR. SIKORSKI: Mr. Sowell, I'm going to	10:48:54
21	instruct you not to answer. That question is very	10:48:56
22	much a question that one would ask in a patent	10:48:58

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IPR2020-00884, -00886, -00887, -00888

TTI
Exhibit 1039 - Page 46

CONFIDENTIAL
Transcript of Lee Sowell
Conducted on January 19, 2021

47

1 infringement suit, but the accused devices have 10:49:02
2 nothing whatever to do with the reason why we're 10:49:05
3 here for today's deposition. 10:49:07

4 So, Matt, I'm going to -- we debated 10:49:08
5 earlier which bucket we want to put it into, but I 10:49:11
6 believe your question is beyond the scope of 10:49:16
7 permissible cross because it goes beyond the 10:49:17
8 direct testimony of Mr. Sowell in these IPR 10:49:21
9 proceedings. 10:49:24

10 So, again, I'm going to draw a hard line 10:49:24
11 there and ask you to move on. 10:49:26

12 MR. LEVINSTEIN: So I just want to make 10:49:33
13 sure I understand, Mr. Sikorski. So you are 10:49:35
14 instructing the witness not to answer because this 10:49:37
15 question is beyond the scope of, whatever you want 10:49:39
16 to call it, cross or direct testimony, right? 10:49:44

17 MR. SIKORSKI: Correct. 10:49:48

18 MR. LEVINSTEIN: And you believe that that 10:49:50
19 is a proper basis to instruct a witness not to 10:49:52
20 answer a question during a deposition taken in a 10:49:55
21 PTAB proceeding that amounts to ultimately the 10:49:58
22 trial testimony, correct? 10:50:01

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TTI
Exhibit 1039 - Page 47

CONFIDENTIAL
Transcript of Lee Sowell
Conducted on January 19, 2021

48

1 MR. SIKORSKI: Yes. Mr. Levinstein, I'm
2 sure you've reviewed the patent office rules, the
3 PTAB rules. And there's a rule -- I can look it
4 up for you if you're not aware of it -- the scope
5 of your cross-examination is limited to the direct
6 testimony that was submitted in this proceeding.

7 I'm surprised that you're -- you seem to
8 be taking that as something you were unaware of.
9 But it is, in fact, a regulation so I think we
10 should abide by it.

11 MR. LEVINSTEIN: Mr. Sikorski, don't put
12 words into my mouth, please. Everybody knows the
13 rule about the permissible scope of
14 cross-examination not exceeding the scope of
15 direct.

16 What you and I disagree about is what that
17 scope is. And what I'm asking you is on what
18 basis -- you're citing rules to me about the PTAB,
19 and I'm wondering on what basis are you
20 instructing him not to answer. And I'm looking
21 for currently the PTAB trial testimony guide,
22 which explicitly states that it is improper to

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TTI
Exhibit 1039 - Page 48

CONFIDENTIAL
Transcript of Lee Sowell
Conducted on January 19, 2021

49

1 instruct a witness not to answer for that reason.

10:51:22

2 There are three -- and I can -- I'm happy
3 to cite those to you if you'd like.

10:51:25

10:51:28

4 MR. SIKORSKI: If you want to put them
5 into the record, that's fine, Mr. Levinstein, but
6 I think you're restricted into the type of
7 questions that you're allowed to pose.

10:51:32

10:51:34

10:51:36

10:51:39

8 So we can debate on the record, off the
9 record, what have you. You understand my
10 position. I believe your questions are very far
11 afield of Mr. Sowell's direct testimony that was
12 submitted in declaration form.

10:51:41

10:51:44

10:51:48

10:51:50

10:51:53

13 So I feel like we should just go back
14 within the permissible type of topic that you're
15 allowed to ask. And that's why we're here. We're
16 here to ask questions relevant to the issues. But
17 when you're going to start asking questions that
18 are clearly targeting issues that you would like
19 to know for the parallel litigation, I find that
20 to be outside the permissible scope.

10:51:55

10:51:58

10:52:06

10:52:09

10:52:11

10:52:13

10:52:15

10:52:19

21 MR. LEVINSTEIN: I'd like to take a quick
22 break because I'd like to find those testimony

10:52:24

10:52:26

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Transcript of Lee Sowell
Conducted on January 19, 2021

50

1 guidelines and put that on the record.

10:52:30

2 Are you okay with that, Mr. Sikorski?

10:52:32

3 MR. SIKORSKI: If you want to go off the
4 record, we can go off the record. Glad to take a
5 break. How about if we take ten minutes?

10:52:34

10:52:36

10:52:39

6 MR. LEVINSTEIN: Sure. That sounds good.

10:52:41

7 (WHEREUPON, a recess was had.)

11:03:01

8 BY MR. LEVINSTEIN:

11:03:02

9 Q So I just want to be crystal clear on the
10 record here. I'm -- and I'm reading directly from
11 Appendix D of the PTAB trial guidelines, which is
12 the testimony guidelines.

11:03:03

11:03:06

11:03:09

11:03:14

13 It says, and I am quoting here, "The
14 defending lawyer must not act as intermediary,
15 interpreting questions, deciding which questions
16 the witness should answer, helping the witness
17 formulate answers while testifying."

11:03:16

11:03:18

11:03:22

11:03:24

11:03:28

18 I'm reading now from -- also from

11:03:30

19 Appendix D. That was from the introduction.

11:03:32

20 Section 2 of Appendix D says, "An objection at the
21 time of the examination whether it's evidence, to
22 a party's conduct, to the officer's

11:03:36

11:03:40

11:03:43

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Transcript of Lee Sowell
Conducted on January 19, 2021

51

1 qualifications, to the manner of taking the
2 testimony, or any aspect of the testimony must be
3 noted on the record but the examination still
4 proceeds. Testimony is taken subject to any such
5 objection."

11:03:47

11:03:49

11:03:52

11:03:55

11:03:59

6 And I am now reading from Section 4 of
7 Appendix D of the testimony guidelines from the
8 PTAB. "Counsel may instruct a witness not to
9 answer only when necessary to preserve a
10 privilege, to enforce a limitation ordered by the
11 board, or to present a motion to terminate or
12 limit the testimony."

11:04:01

11:04:04

11:04:08

11:04:11

11:04:15

11:04:19

11:04:21

13 So I've already explained on the record
14 why I believe the relationships between the
15 various entities and how they are integrated or
16 not integrated and how they interact with one
17 another is relevant to the real party in interest
18 analysis.

11:04:23

11:04:26

11:04:29

11:04:33

11:04:36

11:04:40

19 I understand that you disagree,
20 Mr. Sikorski. I maintain that it is absolutely
21 improper to instruct your witness not to answer on
22 the basis of any relevance or beyond-the-scope

11:04:40

11:04:42

11:04:45

11:04:48

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Transcript of Lee Sowell
Conducted on January 19, 2021

52

1 objection.

11:04:52

2 Is there anything you'd like to say,
3 Mr. Sikorski, before we continue?

11:04:54

11:04:57

4 MR. SIKORSKI: I appreciate your point of
5 view, and I'm glad you appreciate mine. I'm just
6 looking at the regulation that says examination is
7 limited to scope of direct, and you're
8 deliberately going, in my view, well beyond that.

11:04:59

11:05:02

11:05:05

11:05:08

11:05:13

9 So let's just proceed with the deposition
10 and limit it to the scope of Mr. Sowell's direct
11 testimony as put forth in his declaration.

11:05:16

11:05:17

11:05:21

12 MR. LEVINSTEIN: I disagree that I am
13 doing anything deliberately to go beyond the
14 scope. I believe I'm asking questions that are
15 appropriate for a witness who has issued a
16 declaration in support of a motion to amend the
17 mandatory notices basically relevant to who are
18 the real parties in interest here.

11:05:25

11:05:27

11:05:30

11:05:32

11:05:35

11:05:38

11:05:44

19 BY MR. LEVINSTEIN:

11:05:53

20 [REDACTED]

11:05:54

21 [REDACTED]

11:05:57

22 [REDACTED]

11:05:59

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Transcript of Lee Sowell
Conducted on January 19, 2021

53

1	[REDACTED]	11:06:06
2	[REDACTED]	11:06:10
3	[REDACTED]	11:06:14
4	[REDACTED]	11:06:14
5	[REDACTED]	11:06:15
6	[REDACTED]	11:06:20
7	[REDACTED]	11:06:25
8	[REDACTED]	11:06:29
9	MR. SIKORSKI: Mr. Sowell, I think we're	11:06:33
10	revisit ground -- Matt, I'm still struggling to	11:06:35
11	find out how the answer to that question pertains	11:06:40
12	to the real parties in interest. I'm glad if you	11:06:43
13	can explain it to me.	11:06:46
14	MR. LEVINSTEIN: As I said before, whether	11:06:51
15	or not a party is a real party in interest depends	11:06:52
16	upon the relationship it has with the named	11:06:56
17	petitioner.	11:06:59
18	And these questions, in fact most of my	11:07:01
19	questions, are designed to elicit the responses	11:07:04
20	relating to that.	11:07:07
21	We can agree to --	11:07:10
22	MR. SIKORSKI: Madam Court Reporter, can	11:07:13

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IPR2020-00884, -00886, -00887, -00888

TTI
Exhibit 1039 - Page 53

CONFIDENTIAL
Transcript of Lee Sowell
Conducted on January 19, 2021

54

1	you repeat the question that's on the table,	11:07:14
2	please.	11:07:16
3	(WHEREUPON, the record was	11:07:41
4	read by the reporter as follows:	
5	[REDACTED]	
6	[REDACTED]	
7	[REDACTED]	
8	[REDACTED]	
9	[REDACTED]	11:07:42
10	[REDACTED]	11:07:42
11	[REDACTED]	11:07:43
12	[REDACTED]	11:07:44
13	[REDACTED]	11:07:45
14	[REDACTED]	11:07:45
15	BY MR. LEVINSTEIN:	11:07:46
16	Q Mr. Sowell, what is OWT Industries, Inc.'s	11:07:55
17	business? Generally.	11:07:57
18	A One World Industries, Inc., or One World	11:08:00
19	Technologies, Inc.?	11:08:08
20	Q So not the petitioner, not One World	11:08:08
21	Technologies, Inc. I'm asking specifically about	11:08:13
22	OWT Industries, Inc.	11:08:15

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Transcript of Lee Sowell
Conducted on January 19, 2021

55

1	A	Okay. It is a manufacturing entity.	11:08:17
2	Q	And what do they manufacture?	11:08:28
3	MR. SIKORSKI:	Mr. Sowell, again, what a	11:08:31
4		company manufactures, Matt, has nothing whatever	11:08:35
5		to do with why we're here for deposition. So,	11:08:38
6		please -- I've asked you repeatedly and you keep,	11:08:42
7		again, in my view -- we might agree to disagree,	11:08:45
8		but you're asking what product they make. What	11:08:49
9		does that have to do with why we're here? It has	11:08:51
10		nothing.	11:08:55
11		It's well beyond Mr. Sowell's direct, and	11:08:55
12		I would ask you to get back to the questions in	11:08:57
13		your outline that are germane to the reason why	11:09:00
14		we're here.	11:09:03
15	MR. LEVINSTEIN:	Are you going to let	11:09:07
16		Mr. Sowell answer that question?	11:09:08
17	MR. SIKORSKI:	I'm going to ask Mr. Sowell	11:09:10
18		not to because it is, once again, way beyond the	11:09:13
19		scope of his direct and permissible cross.	11:09:16
20	MR. LEVINSTEIN:	Mm-hm.	11:09:19
21	BY MR. LEVINSTEIN:		11:09:23
22	Q	Mr. Sowell, you're familiar with the	11:09:23

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Transcript of Lee Sowell
Conducted on January 19, 2021

56

1	company Hart Consumer Products, Inc., right?	11:09:25
2	A Yes.	11:09:28
3	Q And what is their business? At a high	11:09:28
4	level.	11:09:33
5	MR. SIKORSKI: Objection, relevance.	11:09:35
6	BY THE WITNESS:	11:09:36
7	A Just -- you want -- is it okay to answer?	11:09:42
8	MR. SIKORSKI: Yes. Sorry, Mr. Sowell.	11:09:44
9	You can answer that.	11:09:46
10	Again, Mr. Levinstein asked you to answer	11:09:47
11	at a high level, so please keep it at a high	11:09:50
12	level.	11:09:53
13	BY THE WITNESS:	11:09:56
14	A Selling Hart-branded power tools and	11:09:56
15	<div style="background-color: black; width: 100%; height: 1.2em;"></div>	11:09:59
16	BY MR. LEVINSTEIN:	11:09:59
17	Q And does then Hart Consumer Products,	11:10:12
18	<div style="background-color: black; width: 100%; height: 1.2em;"></div>	11:10:16
19	MR. SIKORSKI: Mr. Sowell, don't answer	11:10:19
20	that question.	11:10:21
21	Again, Mr. Levinstein, I'm going to repeat	11:10:21
22	what I said earlier: What a company makes or	11:10:23

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IPR2020-00884, -00886, -00887, -00888

TTI
Exhibit 1039 - Page 56

CONFIDENTIAL
Transcript of Lee Sowell
Conducted on January 19, 2021

57

1 doesn't make is not germane to any issue I can
2 think of in this IPR proceeding, never mind
3 specifically in this deposition. I think you're
4 far afield of Mr. Sowell's direct testimony.

5 So, Mr. Sowell, again, please don't answer
6 that question. Maybe we can get back on track.

7 MR. LEVINSTEIN: Mr. Sikorski, when you
8 say get back on track, this is the exact track
9 that I intend to take. The whole purpose here of
10 this line of questioning, indeed a lot of my
11 questioning relates to what is the relationship
12 between various unnamed real parties in interest
13 to these IPRs as they relate to the petitioner, to
14 One World Technologies, Inc.

15 I am absolutely -- it is within my right
16 to ask questions to determine to what extent these
17 parties might have a vested interest in the
18 outcome of an IPR -- of these IPR proceedings.

19 And I do believe that you understand that.
20 And I don't understand why I'm getting such push
21 back on what should be routine, high-level
22 questions and I can move on.

11:10:25
11:10:28
11:10:31
11:10:34
11:10:37
11:10:40
11:10:43
11:10:46
11:10:49
11:10:52
11:10:55
11:10:58
11:11:01
11:11:07
11:11:09
11:11:16
11:11:18
11:11:21
11:11:25
11:11:27
11:11:31
11:11:35

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IPR2020-00884, -00886, -00887, -00888

TTI
Exhibit 1039 - Page 57

CONFIDENTIAL
Transcript of Lee Sowell
Conducted on January 19, 2021

58

1 MR. SIKORSKI: Madam Court Reporter, can
2 you repeat the question that's on the table.

3 (WHEREUPON, the record was
4 read by the reporter as follows:

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 MR. SIKORSKI: Sorry, Mr. Levinstein, I
9 don't understand why Hart-branded products are
10 germane to the IPR.

11 So I'm going to stand by my objection to
12 relevance, my objection that you're going beyond
13 the direct testimony, and I honestly don't see any
14 relationship between that question and the issues
15 that you're here to investigate in this deposition
16 so...

17 BY MR. LEVINSTEIN:

18 Q Mr. Sowell, when you made the decision to
19 file the IPR petitions, you knew that Homelite

20 [REDACTED]

21 [REDACTED]

22 correct?

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TTI
Exhibit 1039 - Page 58

CONFIDENTIAL
Transcript of Lee Sowell
Conducted on January 19, 2021

59

1	A	Yes.	11:13:16
2	Q	I'm sorry. It was just a little garbled.	11:13:18
3		I think you said yes, but was that yes?	11:13:24
4	A	Yes. Correct.	11:13:26
5	Q	And when you made the decision to file	11:13:27
6		these IPRs, you knew that Homelite Consumer	11:13:35
7		Products, Inc., was not named as a petitioner in	11:13:41
8		the action, correct?	11:13:44
9	A	Yes.	11:13:47
10	Q	Okay. And when you filed these IPRs, you	11:13:47
11		knew that Techtronic Industries North	11:13:53
12		America, Inc., was not a named petitioner,	11:13:58
13		correct?	11:14:00
14	A	Correct.	11:14:00
15		MR. SIKORSKI: Objection, form.	11:14:05
16		BY MR. LEVINSTEIN:	11:14:06
17	Q	And when you made the decision to file	11:14:07
18		these IPRs, you knew that Techtronic Industries	11:14:08
19		Company Limited was not a named petitioner,	11:14:15
20		correct?	11:14:16
21	A	Yes.	11:14:19
22	Q	Do you -- hold on. Let me take a step	11:14:23

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IPR2020-00884, -00886, -00887, -00888

TTI
Exhibit 1039 - Page 59

CONFIDENTIAL
Transcript of Lee Sowell
Conducted on January 19, 2021

60

1	back.	11:14:29
2	One World Technologies, Inc., is a wholly	11:14:29
3	owned subsidiary of Techtronic Industries North	11:14:34
4	America, Inc., correct?	11:14:38
5	A Yes.	11:14:38
6	Q Okay. And I'm trying to walk through this	11:14:39
7	slowly because a lot of the names are very similar	11:14:44
8	here.	11:14:46
9	And then Techtronic Industries North	11:14:51
10	America, Inc., is a wholly owned subsidiary of	11:14:56
11	Techtronic Industries Company Limited, correct?	11:14:58
12	A That's correct.	11:15:01
13	Q And there is no company that owns all or a	11:15:02
14	portion of Techtronic Industries Company Limited	11:15:10
15	in the TTI group, correct?	11:15:16
16	A Correct --	11:15:21
17	MR. SIKORSKI: Objection.	11:15:25
18	BY THE WITNESS:	11:15:25
19	A -- (inaudible.)	11:15:26
20	BY MR. LEVINSTEIN:	11:15:27
21	Q I missed the last of your answer.	11:15:27
22	A Publicly traded company on the stock	11:15:29

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IPR2020-00884, -00886, -00887, -00888

TTI
Exhibit 1039 - Page 60

CONFIDENTIAL
Transcript of Lee Sowell
Conducted on January 19, 2021

61

1	exchange.	11:15:34
2	Q Does Techtronic Industries Company Limited	11:15:36
3	have operations?	11:15:41
4	A I guess --	11:15:46
5	MR. SIKORSKI: Objection, form.	11:15:47
6	BY THE WITNESS:	11:15:49
7	A -- (inaudible) parent company, sure.	11:15:50
8	Again, as General Motors has operations.	11:15:52
9	BY MR. LEVINSTEIN:	11:15:57
10	Q I'm sorry. I missed the last part of that	11:15:57
11	answer, Mr. Sowell.	11:15:59
12	A I said in the same sense that General	11:16:00
13	Motors would have operations.	11:16:03
14	Q Okay. And in what sense is that?	11:16:05
15	A It's the parent company that owns all the	11:16:06
16	parts of -- of Techtronic Industries Company	11:16:09
17	Limited, the parent company. It's the granddaddy,	11:16:17
18	if you will.	11:16:20
19	Q Mm-hm. What does Techtronic Industries	11:16:21
20	North America, Inc., do? Again, high level.	11:16:28
21	A It is the parent company of various North	11:16:38
22	American subsidiaries.	11:16:41

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IPR2020-00884, -00886, -00887, -00888

TTI
Exhibit 1039 - Page 61

CONFIDENTIAL
Transcript of Lee Sowell
Conducted on January 19, 2021

62

1	Q	Does Techtronic Industries North	11:16:42
2		America, Inc., have any employees?	11:16:44
3	A	I think probably so.	11:16:46
4	Q	Is there anyone who, in the course of your	11:16:54
5		work for One World Technologies, Inc., that you	11:16:56
6		communicate with at Techtronic Industries North	11:17:01
7		America, Inc.?	11:17:06
8	A	Yes.	11:17:06
9	Q	Who?	11:17:07
10	A	There -- Fort Lauderdale, Florida, where	11:17:11
11		they're located, and we -- we certainly talk with	11:17:21
12		various people there. I can't honestly tell you	11:17:25
13		which ones may be Techtronic Industries North	11:17:29
14		America employees or which might be Techtronic	11:17:34
15		Industries Company Limited employees, but there	11:17:37
16		are (inaudible) people there that we communicate	11:17:42
17		with.	11:17:44
18		BY MR. LEVINSTEIN:	11:17:50
19	Q	You said -- the last part of your answer	11:17:50
20		was, I think, there's financial people --	11:17:52
21	A	Yes.	11:17:52
22	Q	-- that you communicate with?	11:17:53

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CONFIDENTIAL
Transcript of Lee Sowell
Conducted on January 19, 2021

63

1	A Yes.	11:17:54
2	Q Okay. Is that the extent of your	11:17:54
3	communications with individuals at Techtronic	11:18:01
4	Industries North America, Inc., as in relating to	11:18:03
5	financial issues?	11:18:06
6	A Yes.	11:18:07
7	[REDACTED]	11:18:09
8	[REDACTED]	11:18:19
9	[REDACTED]	11:18:21
10	[REDACTED]	11:18:26
11	[REDACTED]	11:18:27
12	[REDACTED]	11:18:30
13	[REDACTED]	11:18:33
14	[REDACTED]	11:18:35
15	[REDACTED]	11:18:38
16	[REDACTED]	11:18:38
17	Q Does the -- do the financial perform --	11:18:40
18	does the financial performance of your group	11:18:55
19	affect the result -- the financial results for	11:18:59
20	Techtronic Industries North America, Inc.?	11:19:08
21	A I suppose so in the sense that we're a	11:19:10
22	wholly owned subsidiary, certainly.	11:19:14

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CONFIDENTIAL
Transcript of Lee Sowell
Conducted on January 19, 2021

64

1	Q	In any other sense?	11:19:17
2	A	I'm not sure what other sense there -- you	11:19:18
3		would mean, but, I mean, it -- the entities that	11:19:22
4		are part of Techtronic North America would roll up	11:19:25
5		to their umbrella, if you will. Certainly the	11:19:29
6		performance of my group would have an impact,	11:19:32
7		positive or negative on that total.	11:19:35
8	Q	How many other groups fall underneath the	11:19:40
9		umbrella of One World Technologies, Inc., other	11:19:51
10		than outdoor power equipment, that is?	11:19:54
11	A	Power tools. Consumer power tools we call	11:19:56
12		it.	11:20:02
13	Q	So that was just one, it was just consumer	11:20:05
14		power tools?	11:20:09
15	A	Yes.	11:20:10
16	Q	Again, at a high level, One World	11:20:10
17		Technologies, Inc.'s revenues, what portion is	11:20:19
18		coming from your outdoor power equipment group and	11:20:23
19		what portion is coming from the consumer power	11:20:26
20		tools group?	11:20:29
21		[REDACTED]	11:20:29
22		[REDACTED]	11:20:33

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IPR2020-00884, -00886, -00887, -00888

TTI
Exhibit 1039 - Page 64

CONFIDENTIAL
Transcript of Lee Sowell
Conducted on January 19, 2021

65

1	[REDACTED]	11:20:36
2	[REDACTED]	11:20:45
3	[REDACTED]	11:20:48
4	[REDACTED]	11:20:55
5	[REDACTED]	11:21:01
6	[REDACTED]	11:21:02
7	[REDACTED]	11:21:16
8	[REDACTED]	11:21:18
9	[REDACTED]	11:21:19
10	Q Okay. Mr. Sowell, do you communicate with	11:21:24
11	any -- let me ask a different question first.	11:21:45
12	Excuse me.	11:21:48
13	[REDACTED]	11:21:49
14	[REDACTED]	11:21:52
15	[REDACTED]	11:21:53
16	[REDACTED]	11:21:55
17	[REDACTED]	11:22:00
18	[REDACTED]	11:22:04
19	[REDACTED]	11:22:05
20	[REDACTED]	11:22:11
21	[REDACTED]	11:22:11
22	[REDACTED]	11:22:14

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IPR2020-00884, -00886, -00887, -00888

TTI
Exhibit 1039 - Page 65

CONFIDENTIAL
Transcript of Lee Sowell
Conducted on January 19, 2021

66

1	[REDACTED]	11:22:14
2	[REDACTED]	11:22:15
3	[REDACTED]	11:22:21
4	[REDACTED]	11:22:24
5	[REDACTED]	11:22:25
6	[REDACTED]	11:22:30
7	[REDACTED]	11:22:57
8	[REDACTED]	11:23:03
9	[REDACTED]	11:23:07
10	[REDACTED]	11:23:07
11	[REDACTED]	11:23:10
12	[REDACTED]	11:23:14
13	[REDACTED]	11:23:21
14	[REDACTED]	11:23:24
15	[REDACTED]	11:23:27
16	[REDACTED]	11:23:32
17	[REDACTED]	11:23:35
18	[REDACTED]	11:23:37
19	[REDACTED]	11:23:37
20	[REDACTED]	11:23:41
21	[REDACTED]	11:23:44
22	[REDACTED]	11:23:47

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Transcript of Lee Sowell
Conducted on January 19, 2021

67

1	[REDACTED]	11:23:49
2	[REDACTED]	11:23:53
3	[REDACTED]	11:23:55
4	[REDACTED]	11:23:55
5	[REDACTED]	11:24:00
6	[REDACTED]	11:24:03
7	[REDACTED]	11:24:08
8	[REDACTED]	11:24:15
9	[REDACTED]	11:24:15
10	[REDACTED]	11:24:19
11	[REDACTED]	11:24:20
12	[REDACTED]	11:24:20
13	[REDACTED]	11:24:21
14	[REDACTED]	11:24:27
15	[REDACTED]	11:24:30
16	[REDACTED]	11:24:32
17	[REDACTED]	11:24:33
18	[REDACTED]	11:24:33
19	[REDACTED]	11:24:41
20	[REDACTED]	11:24:46
21	[REDACTED]	11:24:51
22	[REDACTED]	11:24:56

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TTI
Exhibit 1039 - Page 67

CONFIDENTIAL
Transcript of Lee Sowell
Conducted on January 19, 2021

68

1	[REDACTED]	11:24:59
2	[REDACTED]	11:25:03
3	[REDACTED]	11:25:05
4	[REDACTED]	11:25:07
5	[REDACTED]	11:25:07
6	[REDACTED]	11:25:08
7	[REDACTED]	11:25:09
8	[REDACTED]	11:25:19
9	[REDACTED]	11:25:27
10	[REDACTED]	11:25:29
11	[REDACTED]	11:25:35
12	[REDACTED]	11:25:35
13	[REDACTED]	11:25:37
14	[REDACTED]	11:25:39
15	[REDACTED]	11:25:41
16	[REDACTED]	11:25:43
17	[REDACTED]	11:25:45
18	[REDACTED]	11:25:56
19	[REDACTED]	11:25:58
20	[REDACTED]	11:26:00
21	[REDACTED]	11:26:03
22	[REDACTED]	11:26:07

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CONFIDENTIAL
Transcript of Lee Sowell
Conducted on January 19, 2021

69

1	[REDACTED]	11:26:10
2	[REDACTED]	11:26:12
3	[REDACTED]	11:26:12
4	[REDACTED]	11:26:13
5	[REDACTED]	11:26:15
6	[REDACTED]	11:26:24
7	[REDACTED]	11:26:26
8	[REDACTED]	11:26:27
9	[REDACTED]	11:26:30
10	[REDACTED]	11:26:31
11	[REDACTED]	11:26:33
12	[REDACTED]	11:26:34
13	[REDACTED]	11:26:34
14	[REDACTED]	11:26:36
15	[REDACTED]	11:26:36
16	[REDACTED]	11:26:44
17	[REDACTED]	11:26:47
18	[REDACTED]	11:26:51
19	[REDACTED]	11:26:53
20	[REDACTED]	11:26:54
21	[REDACTED]	11:26:57
22	[REDACTED]	11:27:00

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CONFIDENTIAL
Transcript of Lee Sowell
Conducted on January 19, 2021

70

1	[REDACTED]	11:27:03
2	[REDACTED]	11:27:06
3	[REDACTED]	11:27:09
4	[REDACTED]	11:27:12
5	[REDACTED]	11:27:12
6	[REDACTED]	11:27:13
7	[REDACTED]	11:27:17
8	[REDACTED]	11:27:17
9	[REDACTED]	11:27:18
10	[REDACTED]	11:27:21
11	[REDACTED]	11:27:23
12	[REDACTED]	11:27:25
13	[REDACTED]	11:27:27
14	[REDACTED]	11:27:28
15	[REDACTED]	11:27:28
16	[REDACTED]	11:27:30
17	[REDACTED]	11:27:37
18	[REDACTED]	11:27:40
19	[REDACTED]	11:27:41
20	[REDACTED]	11:27:43
21	[REDACTED]	11:27:45
22	[REDACTED]	11:27:48

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CONFIDENTIAL
Transcript of Lee Sowell
Conducted on January 19, 2021

71

1	[REDACTED]	11:27:51
2	[REDACTED]	11:27:51
3	[REDACTED]	11:27:52
4	[REDACTED]	11:27:55
5	[REDACTED]	11:27:59
6	[REDACTED]	11:28:01
7	[REDACTED]	11:28:01
8	[REDACTED]	11:28:05
9	[REDACTED]	11:28:06
10	[REDACTED]	11:28:06
11	[REDACTED]	11:28:09
12	[REDACTED]	11:28:14
13	[REDACTED]	11:28:18
14	[REDACTED]	11:28:26
15	[REDACTED]	11:28:27
16	[REDACTED]	11:28:31
17	[REDACTED]	11:28:33
18	[REDACTED]	11:28:36
19	[REDACTED]	11:28:38
20	Q Oh, okay.	11:28:39
21	A There's --	11:28:41
22	Q Yeah --	11:28:43

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CONFIDENTIAL
Transcript of Lee Sowell
Conducted on January 19, 2021

72

1	A -- as well as --	11:28:44
2	Q Yeah. Very good.	11:28:45
3	[REDACTED]	11:28:47
4	[REDACTED]	11:28:50
5	[REDACTED]	11:28:54
6	[REDACTED]	11:28:58
7	[REDACTED]	11:28:58
8	[REDACTED]	11:29:00
9	[REDACTED]	11:29:01
10	[REDACTED]	11:29:04
11	BY MR. LEVINSTEIN:	11:29:07
12	Q Sure. Sure. So you've had discussions	11:29:07
13	with Michael Clancy, the CEO of Chervon North	11:29:32
14	America, about these IPRs, correct?	11:29:38
15	A Not them specifically but in general, yes.	11:29:40
16	Q In general. And along with that, you also	11:29:44
17	discussed the co-pending federal court litigation	11:29:48
18	between Chervon and various TTi entities, right?	11:29:53
19	A Again, generally, not specifically, yes.	11:29:58
20	[REDACTED]	11:30:01
21	[REDACTED]	11:30:10
22	[REDACTED]	11:30:15

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IPR2020-00884, -00886, -00887, -00888

TTI
Exhibit 1039 - Page 72

CONFIDENTIAL
Transcript of Lee Sowell
Conducted on January 19, 2021

73

1	[REDACTED]	11:30:23
2	[REDACTED]	11:30:25
3	[REDACTED]	11:30:30
4	[REDACTED]	11:30:34
5	[REDACTED]	11:30:41
6	[REDACTED]	11:30:43
7	[REDACTED]	11:30:46
8	[REDACTED]	11:30:51
9	[REDACTED]	11:30:55
10	[REDACTED]	11:30:59
11	[REDACTED]	11:31:02
12	[REDACTED]	11:31:07
13	[REDACTED]	11:31:10
14	[REDACTED]	11:31:10
15	[REDACTED]	11:31:10
16	[REDACTED]	11:31:20
17	[REDACTED]	11:31:25
18	[REDACTED]	11:31:31
19	[REDACTED]	11:31:35
20	[REDACTED]	11:31:41
21	[REDACTED]	11:31:42
22		

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CONFIDENTIAL
Transcript of Lee Sowell
Conducted on January 19, 2021

74

1 BY MR. LEVINSTEIN:

11:31:42

2 Q And when you proposed that, you were
3 proposing that on behalf of which entities?

11:31:42

11:31:48

4 A One World Technologies for which I am an
5 employee.

11:31:51

11:31:56

6 Q Were you representing -- were you offering
7 that on behalf of Homelite Consumer
8 Products, Inc., as well?

11:31:56

11:32:04

11:32:10

9 MR. SIKORSKI: Objection to form.

11:32:11

10 BY THE WITNESS:

11:32:13

11 A No. I mean, my discussions with him were,
12 quote, TTi, unquote, because that's the parent
13 company and that's how we're known.

11:32:16

11:32:21

11:32:23

14 And we never talked about which entities
15 may be in play. It was a much more general
16 discussion than that.

11:32:25

11:32:28

11:32:32

17 BY MR. LEVINSTEIN:

11:32:36

18 [REDACTED]

11:32:36

19 [REDACTED]

11:32:38

20 [REDACTED]

11:32:45

21 [REDACTED]

11:32:48

22 [REDACTED]

11:32:53

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CONFIDENTIAL
Transcript of Lee Sowell
Conducted on January 19, 2021

75

1	[REDACTED]	11:32:54
2	[REDACTED]	11:32:54
3	[REDACTED]	11:32:58
4	[REDACTED]	11:33:01
5	[REDACTED]	11:33:06
6	[REDACTED]	11:33:09
7	[REDACTED]	11:33:14
8	[REDACTED]	11:33:17
9	[REDACTED]	11:33:17
10	[REDACTED]	11:33:27
11	[REDACTED]	11:33:31
12	[REDACTED]	11:33:33
13	[REDACTED]	11:33:41
14	[REDACTED]	11:33:43
15	[REDACTED]	11:33:43
16	[REDACTED]	11:33:45
17	[REDACTED]	11:33:49
18	[REDACTED]	11:33:52
19	[REDACTED]	11:33:53
20	[REDACTED]	11:34:31
21	[REDACTED]	11:34:33
22	[REDACTED]	11:34:37

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CONFIDENTIAL
Transcript of Lee Sowell
Conducted on January 19, 2021

76

1	[REDACTED]	11:34:37
2	[REDACTED]	11:34:40
3	[REDACTED]	11:34:47
4	[REDACTED]	11:34:49
5	[REDACTED]	11:34:53
6	[REDACTED]	11:34:54
7	[REDACTED]	11:34:54
8	[REDACTED]	11:34:57
9	[REDACTED]	11:35:01
10	[REDACTED]	11:35:04
11	[REDACTED]	11:35:10
12	[REDACTED]	11:35:16
13	[REDACTED]	11:35:19
14	[REDACTED]	11:35:24
15	[REDACTED]	11:35:28
16	[REDACTED]	11:35:33
17	[REDACTED]	11:35:36
18	[REDACTED]	11:35:40
19	[REDACTED]	11:35:41
20	[REDACTED]	11:35:44
21	[REDACTED]	11:36:08
22	[REDACTED]	11:36:12

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CONFIDENTIAL
Transcript of Lee Sowell
Conducted on January 19, 2021

77

1	[REDACTED]	11:36:13
2	[REDACTED]	11:36:18
3	[REDACTED]	11:36:21
4	[REDACTED]	11:36:28
5	[REDACTED]	11:36:31
6	[REDACTED]	11:36:35
7	[REDACTED]	11:36:39
8	[REDACTED]	11:36:40
9	[REDACTED]	11:36:48
10	[REDACTED]	11:36:48
11	[REDACTED]	11:36:49
12	[REDACTED]	11:36:52
13	[REDACTED]	11:37:01
14	[REDACTED]	11:37:03
15	[REDACTED]	11:37:18
16	[REDACTED]	11:37:19
17	[REDACTED]	11:37:19
18	[REDACTED]	11:37:28
19	[REDACTED]	11:37:36
20	[REDACTED]	11:37:37
21	[REDACTED]	11:37:42
22	[REDACTED]	11:37:45

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CONFIDENTIAL
Transcript of Lee Sowell
Conducted on January 19, 2021

78

1	[REDACTED]	11:37:52
2	[REDACTED]	11:37:54
3	[REDACTED]	11:37:55
4	[REDACTED]	11:37:57
5	[REDACTED]	11:38:01
6	[REDACTED]	11:38:03
7	[REDACTED]	11:38:06
8	[REDACTED]	11:38:20
9	[REDACTED]	11:38:21
10	[REDACTED]	11:38:22
11	[REDACTED]	11:38:25
12	Q Okay. Okay.	11:38:26
13	MR. LEVINSTEIN: Let's take a quick break.	11:38:28
14	I don't think I have very much left. I just want	11:38:30
15	to review my notes and see if there's anything	11:38:32
16	else to ask.	11:38:34
17	So can we say ten minutes?	11:38:35
18	THE WITNESS: Fine by me.	11:38:38
19	(WHEREUPON, a recess was had.)	11:38:40
20	BY MR. LEVINSTEIN:	11:45:40
21	[REDACTED]	11:45:41
22	[REDACTED]	11:45:46

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IPR2020-00884, -00886, -00887, -00888

TTI
Exhibit 1039 - Page 78

CONFIDENTIAL
Transcript of Lee Sowell
Conducted on January 19, 2021

79

1	[REDACTED]	11:45:49
2	[REDACTED]	11:45:53
3	[REDACTED]	11:45:53
4	[REDACTED]	11:46:01
5	[REDACTED]	11:46:04
6	[REDACTED]	11:46:09
7	[REDACTED]	11:46:11
8	[REDACTED]	11:46:12
9	[REDACTED]	11:46:17
10	[REDACTED]	11:46:23
11	[REDACTED]	11:46:25
12	[REDACTED]	11:46:28
13	[REDACTED]	11:46:33
14	Q I want to turn to the district court	11:46:34
15	litigation for a moment.	11:46:45
16	You're aware that all the named TTi	11:46:45
17	entities are all represented by the same counsel,	11:46:49
18	correct?	11:46:52
19	A Yes.	11:46:52
20	MR. SIKORSKI: Objection to form.	11:46:56
21	BY MR. LEVINSTEIN:	11:47:04
22	Q Now, do you believe that the interests of	11:47:05

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IPR2020-00884, -00886, -00887, -00888

TTI
Exhibit 1039 - Page 79

CONFIDENTIAL
Transcript of Lee Sowell
Conducted on January 19, 2021

80

1	One World Technologies, Inc., Homelite Consumer	11:47:09
2	Products, Inc., and Techtronic Industries Company	11:47:14
3	Limited are all aligned in the district court	11:47:17
4	litigation?	11:47:20
5	MR. SIKORSKI: Objection to form.	11:47:22
6	Objection to relevance.	11:47:24
7	You can answer if you want, Mr. Sowell.	11:47:27
8	BY THE WITNESS:	11:47:30
9	A Ask that again if you would, please.	11:47:30
10	MR. LEVINSTEIN: Ms. Court Reporter, could	11:47:34
11	you repeat the question.	11:47:36
12	(WHEREUPON, the record was	11:47:36
13	read by the reporter.)	11:47:59
14	BY THE WITNESS:	11:47:59
15	A Yes.	11:47:59
16	BY MR. LEVINSTEIN:	11:48:04
17	[REDACTED]	11:48:05
18	[REDACTED]	11:48:08
19	[REDACTED]	11:48:12
20	[REDACTED]	11:48:14
21	[REDACTED]	11:48:15
22	[REDACTED]	11:48:16

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IPR2020-00884, -00886, -00887, -00888

TTI
Exhibit 1039 - Page 80

CONFIDENTIAL
Transcript of Lee Sowell
Conducted on January 19, 2021

81

1	[REDACTED]	11:48:18
2	[REDACTED]	11:48:35
3	[REDACTED]	11:48:38
4	[REDACTED]	11:48:41
5	[REDACTED]	11:48:47
6	[REDACTED]	11:48:49
7	[REDACTED]	11:48:51
8	[REDACTED]	11:48:54
9	[REDACTED]	11:48:59
10	[REDACTED]	11:49:02
11	[REDACTED]	11:49:02
12	[REDACTED]	11:49:05
13	[REDACTED]	11:49:08
14	[REDACTED]	11:49:12
15	[REDACTED]	11:49:15
16	[REDACTED]	11:49:18
17	[REDACTED]	11:49:18
18	Q Okay. The petitioner in these IPRs, one	11:49:19
19	World Technologies, Inc., they certainly stand to	11:49:30
20	benefit if they prevail in these IPR petitions and	11:49:32
21	the patents are invalidated, correct?	11:49:38
22	MR. SIKORSKI: Objection to form.	11:49:41

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IPR2020-00884, -00886, -00887, -00888

TTI
Exhibit 1039 - Page 81

CONFIDENTIAL
Transcript of Lee Sowell
Conducted on January 19, 2021

82

1	BY THE WITNESS:	11:49:43
2	A I suppose so, yes.	11:49:43
3	BY MR. LEVINSTEIN:	11:49:44
4	Q And you -- do you agree that Homelite	11:49:50
5	Consumer Products, Inc., would also stand to	11:49:53
6	benefit if the patents at issue in these IPRs are	11:49:55
7	invalidated, correct?	11:50:01
8	MR. SIKORSKI: Objection to form.	11:50:03
9	Objection, calls for a legal conclusion.	11:50:05
10	You can answer if you understand the	11:50:09
11	question, Mr. Sowell.	11:50:10
12	BY THE WITNESS:	11:50:12
13	A I do. I'm trying to think of the best way	11:50:12
14	to answer so that it makes sense. But, I mean, I	11:50:15
15	guess in the sense that we're all linked in some	11:50:18
16	fashion, certainly. But not -- not -- not in an	11:50:21
17	additive (inaudible).	11:50:30
18	Q Not in a...	11:50:31
19	A An additive sense, but in the same sense.	11:50:32
20	It would be the same benefit. It wouldn't be	11:50:36
21	added together. If that -- does that make sense?	11:50:38
22	Q Mm-hm. Same question for Techtronic	11:50:46

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Transcript of Lee Sowell
Conducted on January 19, 2021

83

1 Industries Company Limited; if the -- if the PTAB
2 finds the patents at issue in these IPRs are
3 invalidated -- or invalid, rather, does Techtronic
4 Industries Company Limited stand to benefit?

11:50:51

11:50:53

11:50:57

11:51:03

5 MR. SIKORSKI: Objection to form.

11:51:06

6 Objection, calling for a legal conclusion.

11:51:08

7 BY THE WITNESS:

11:51:10

8 A Yes, in my opinion in the same sense.

11:51:10

9 What's good for a part is good for the whole.

11:51:14

10 BY MR. LEVINSTEIN:

11:51:24

11 Q Okay.

11:51:25

12 MR. LEVINSTEIN: Those are the only

11:51:26

13 questions that I have.

11:51:27

14 I do believe there are certain questions

11:51:28

15 that I've asked that counsel for Mr. Sowell has

11:51:30

16 instructed the witness not to answer on the basis

11:51:33

17 of relevance, on the basis of it exceeding -- the

11:51:35

18 questions exceeding the scope of Mr. Sowell's

11:51:42

19 direct testimony, and on the basis of privilege

11:51:45

20 that I believe were improperly lodged objections.

11:51:47

21 So with that reservation, and I will take

11:51:50

22 that back and consider if we have any follow-up on

11:51:57

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IPR2020-00884, -00886, -00887, -00888

TTI
Exhibit 1039 - Page 83

CONFIDENTIAL
Transcript of Lee Sowell
Conducted on January 19, 2021

84

1 the basis of what we deem to be improper and --
2 yeah, improper impeding of the examination and
3 will follow up on that as needed.

4 MR. SIKORSKI: Let's take ten minutes.

5 (WHEREUPON, a recess was had.)

6 MR. LEVINSTEIN: I just wanted to take the
7 opportunity to thank Mr. Sowell. I appreciate
8 your time for this. I know it's a little strange
9 to be doing this remotely so thank you.

10 THE WITNESS: Certainly. No problem.

11 EXAMINATION

12 BY MR. SIKORSKI:

13 Q Mr. Sowell, I just have -- again, I'm just
14 going to ask you one question in redirect.

15 You're not an attorney, correct?

16 A That is correct. I am not.

17 MR. SIKORSKI: I have no further
18 questions, so I guess we'll close the deposition.

19 Again, Mr. Sowell, thank you for your
20 time. I appreciate it.

21 MR. LEVINSTEIN: And I will say, just to
22 be clear, I do not believe that the deposition is

11:51:59

11:52:07

11:52:11

11:52:16

11:52:18

11:58:21

11:58:35

11:58:37

11:58:40

11:58:45

11:58:49

11:58:49

11:58:50

11:58:54

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11:59:03

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11:59:15

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TTI
Exhibit 1039 - Page 84

CONFIDENTIAL
Transcript of Lee Sowell
Conducted on January 19, 2021

85

1 completely closed. I believe there are certain
2 questions that have gone unanswered under improper
3 objections.

11:59:17

11:59:19

11:59:23

4 MR. SIKORSKI: From our point of view, the
5 deposition is closed.

11:59:28

11:59:29

6 Mr. Levinstein, pleasure to meeting you
7 over the connection. Thank you to the court
8 reporter and the other people we have helping us
9 today.

11:59:31

11:59:34

11:59:36

11:59:38

10 (WHEREUPON, the deposition concluded
11 pursuant to the positions of the respective
12 parties at 11:59 a.m. CST.)

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TTI
Exhibit 1039 - Page 85

CONFIDENTIAL
Transcript of Lee Sowell
Conducted on January 19, 2021

86

ACKNOWLEDGMENT OF DEPONENT

I, LEE SOWELL, do hereby acknowledge that
I have read and examined the foregoing testimony
and the same is a true, correct, and complete
transcription of the testimony given by me and any
corrections appear on the attached errata sheet
signed by me.

(SIGNATURE)

(DATE)

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Transcript of Lee Sowell
Conducted on January 19, 2021

87

C E R T I F I C A T E O F R E P O R T E R

I, MICHELLE M. YOHLER, a Certified
Shorthand Reporter within and for the County of
Will, State of Illinois, do hereby certify:

That previous to the commencement of the
examination of the witness, the witness was duly
sworn to testify the whole truth concerning the
matters herein;

That the foregoing deposition transcript
was reported stenographically by me, was
thereafter reduced to typewriting under my
personal direction and constitutes a true record
of the testimony given and the proceedings had;

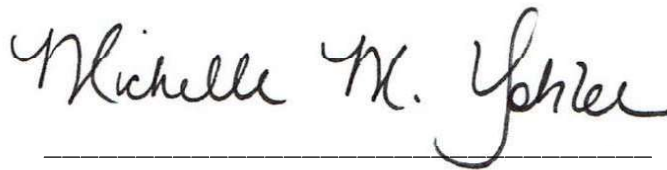
That the said deposition was taken
remotely before me at the time and place
specified;

That I am not a relative or employee or
attorney or counsel, nor a relative or employee of
such attorney or counsel for any of the parties
hereto, nor interested directly or indirectly in
the outcome of this action.

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1 IN WITNESS WHEREOF, I do hereunto set my
2 hand and affix my seal of office at Chicago,
3 Illinois, this 21st day of January, 2021.

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6
7
8 
9

10 Michelle M. Yohler, CSR, RMR, CRR

11 Certified Shorthand Reporter

12 CSR No.: 84-4531
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22