

Miller Coors v. Marten Transport

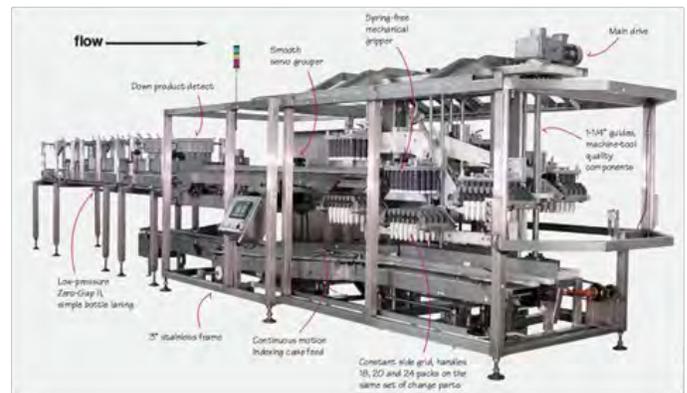
Analysis of the engineering and economic decision to redesign and/or refurbish a very large PakMore-9 Case Packing machine, which had become damaged.

In 2008, the MillerCoors brewing facility in Fort Worth, Texas, purchased a very large (36 foot in length) state-of-the-art machine designed to package bottles of beer in cartons at a rate of up to 100,800 bottles per hour.

This PakMore-9 machine had several functions:

- Accept bottles at a high speed
- Collate the bottles in an organized fashion
- Insert the bottles into the cartons
- Discharge the filled cartons

The Pakmore-9 machine was intended to save MillerCoors up to \$3M per year due to increased speed and efficiency. The machine was damaged in shipping by Marten Transport prior to delivery in Fort Worth.



Marten admitted liability, but MillerCoors chose to replace the machine rather than repairing the damage.

William S. Howard was hired by Marten Transport as an Expert Witness to assess the economic and engineering decision by MillerCoors to replace the PakMore-9.

Attempts to mediate the case failed, and it went to trial in Oklahoma in 2012. William S. Howard testified at trial, as the only witness for Marten Transport. The jury found in favor of Marten Transport, declining to award any compensation to MillerCoors for its damaged machine.

Glowner v. Martin Martini Mailroom Systems

Patent infringement case concerning insert feeder machines for newspaper packaging and distribution systems commonly used by newspapers across the United States.

In 2004, Dwayne Glowner (Glowner) was awarded United States Patent 6,755,412, which describes a new invention of a High Speed Overlapping Insert Feeding Assembly. The patent discloses an entirely new insert feeder. More particularly, this invention pertains to an insert feeder for newspaper



Individual XL Insert Feeders on an MMMS Inserting System

packaging and distribution systems capable of feeding inserts into pockets at printing press speeds. This process is typically located in an area of the newspaper facility known as the "Mailroom."

An Insert Feeder is a very large machine designed to be fast, reliable, and highly efficient as an inserting system. This inserting system optimizes production work within tight time windows that are typical in modern mailrooms. An insert feeder is designed to handle the most demanding

zoning needs as well as the processing of a large number of inserts. Not only does the patented Insert Feeder manage thin, hard-to-feed and out-of-spec products with ease, it significantly reduces the number of missed and doubled inserts. The insert feeder contained "approximately 50% fewer parts than the other known feeders and operated at a printer press speed of approximately 75,000 inserts per hour."

In roughly 2008, Mueller Martini Mailroom Systems (Mueller) completed the development of a new insert feeder assembly for use in its line of Inserters. This inserter was alleged to infringe upon the 6,755,412 patent held by Glowner.

William S. Howard was retained by Glowner to assess the patent infringement. Dr. Howard assessed the patent and the Mueller insert machine and wrote a detailed report explaining the similarities. The case settled right before trial.

USG v. Award Metals

This case involved the alleged misappropriation of trade secrets related to the engineering design and development of a line of machines used to produce corner bead.

USG is a US company that originally invented and developed paper-faced corner bead. Corner bead (which is generally made from metal) is used in the interior construction of buildings, as part of the dry-wall process, to finish the interior.

Paper-faced corner bead is an improvement to the bare-metal corner bead, as the joint tape is already applied to the metal. Because of the design, paper-faced corner bead does not generally have to be nailed to the wall, which makes the installation easier and faster than bare-metal corner bead.

The process to make the corner bead involves many machines in a long production line that is typically 100 – 200 feet in length. USG has over a dozen high efficiency production lines in operation, in several facilities across the United States.

Approximately ten months later in late 2003, Award Metals hired a key USG engineer. Later, Award Metals started production of nose-coated, paper-face corner bead.

USG hired William S. Howard to perform an analysis of the machinery, production lines, and production processes used to produce nose-coated paper-faced corner bead (of both USG and Award Metals) to determine if USG possessed trade secrets that were misappropriated by Award Metals.

By going through detailed engineering drawings and documents, William S. Howard was able to show clear and convincing evidence of misappropriation. The case settled with Award Metals admitting misappropriation and paying significant damages.

Yuyama v. JVM Co.

The case involved alleged patent infringement of high-speed automation machines used to discharge a specific number/combination of products into individual packages within pharmaceutical automation machines.

This case pertained to tablet feeders that are cassettes which dispense tablets through automatic pharmaceutical packaging machinery. This machinery is used in large institutional pharmacies and hospitals to accurately and economically package individual doses of medication for patients. The machinery dramatically improves the safety and efficiency of packaging and dispensing the medicine, while providing high accuracy for patients. Hospitals and other institutions use the machinery to distribute the correct dosage of the proper medication to thousands of patients.

In the 1990s, the Yuyama Company invented a comb-shaped partitioning device (for use within the Tablet Feeder) that ensured that the tablet feeder consistently dispensed the correct number of tablets, without chipping, breaking, or damaging tablets. This invention is disclosed in U.S. Patent 5,803,309, which was issued on September 9, 1998.

The defendant, JVM, began manufacturing competing tablet feeders in the late 1990s, and entered the U.S. market in 2002. William S. Howard was hired by Yuyama to assess the alleged patent infringement by JVM. Dr. Howard was hired by Yuyama to inspect the machine components, perform testing on the devices, analyze the performance, and assess the alleged patent infringement by JVM. Following his analysis and expert report, he testified for Yuyama at both the deposition and at trial.



Stability Technology, Inc.

www.StabilityTech.com

Secretary of Labor v. Goodyear

For this case OSHA hired William S. Howard to provide professional expertise to substantiate the case file and citations against Goodyear Tire and Rubber Company.

This OSHA safety citation case concerned the level and types of guarding measures needed to adequately protect workers operating the machinery. In September 2008, OSHA issued several citations to Goodyear Tire & Rubber Company for its Lawton, Oklahoma facility. Since there were at least some guarding measures in place on the machinery at issue, the key question was whether the guarding measures adequately protected employees from hazards. Goodyear indicated that it would not be feasible to guard the machinery per OSHA's recommendations. OSHA's position was that guarding was feasible.

In 2010, OSHA retained William S. Howard as its Expert Witness. He was tasked to review documents, formulate an expert opinion, prepare an expert report, and provide expert witness testimony associated with the OSHA inspection conducted at Goodyear Tire and Rubber Company, Lawton, Oklahoma.

William S. Howard reviewed the machinery, documentation, visited the plant and analyzed the machinery operations in order to conclude whether or not additional guards were necessary and feasible.

William S. Howard issued an expert report on the feasibility of installing specific guarding on the tire machines. He also provided machinery design consulting to show how the guarding could be implemented.

The case settled during the trial with Goodyear agreeing to guard the machinery, as demanded by OSHA.