

Filed on behalf of Bazooka-Farmstar, LLC

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BAZOOKA-FARMSTAR, LLC,

Petitioner,

v.

NUHN INDUSTRIES LTD.,

Patent Owner.

Case IPR2023-01161
U.S. Patent No. 11,358,425

**DECLARATION OF MICHAEL A. ERBELE IN SUPPORT OF
PETITIONER'S MOTION FOR ADMISSION PRO HAC VICE**

In support of the Motion for Admission *Pro Hac Vice*, I, Michael A. Erbele, do declare and state as follows:

1. I am a member in good standing of the Bar of the State of Minnesota and before various federal courts, including the United States District Court for the District of Minnesota, the United States District Court for the Eastern District of Michigan, the United States Court of Appeals for the Federal Circuit, the United States Court of Appeals for the Eighth Circuit, and the United States Court of Appeals for the Tenth Circuit..
2. I have no suspensions or disbarments from practice before any court or administrative body.
3. I have never had any court or administrative body deny my application to practice before said court or administrative body.
4. I have never been sanctioned or cited for contempt by any court or administrative body.
5. I have read and will comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials set forth in part 42 of 37 C.F.R.
6. I will be subject to the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§11.101 *et. seq.* and disciplinary jurisdiction under 37 C.F.R. §11.19(a).

7. I have not requested to appear *pro hac vice* in any other proceeding before the Office.
8. I have been a litigating attorney since October, 2012.
9. I have been litigating patent cases since October, 2012.
10. I am counsel for the defendant in the case *Nuhn Industries, Ltd. v. Bazooka-Farmstar, LLC*, Southern District of Iowa, Civil Action No. 3:22-cv-00015, and for the defendant in the case *Nuhn Industries Ltd. v. Atlas Ag Services, LLC*, Western District of New York, Civil Action No. 1:23-cv-368-JLS, both of which involves U.S. Patent No. 11,358,425.
11. I have worked extensively analyzing and preparing the invalidity positions, including arguments based on the same references raised in the Petition, advanced by Petitioner Bazooka-Farmstar, LLC. I am thus familiar with prior art relied upon in the Petition as well as the patent at issue.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Dated: November 2, 2023

/Michael A. Erbele/
Michael A. Erbele

CERTIFICATION OF SERVICE

The undersigned certifies, in accordance with 37 C.F.R. § 42.6(e), that service was made on Counsel for Patent Owner as detailed below.

Date of service: November 2, 2023

Manner of service: Electronic mail addressed to:
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Documents served: Petitioner's Motion for Admission Pro Hac Vice of Michael A. Erbele under 37 C.F.R. § 42.10 (c) and Declaration (EX1069)

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