

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BAZOOKA-FARMSTAR, LLC,
Petitioner,

v.

NUHN INDUSTRIES LTD.,
Patent Owner.

IPR2023-01161
Patent 11,358,425 C1

Before MEREDITH C. PETRAVICK, MATTHEW S. MEYERS and
BRENT M. DOUGAL *Administrative Patent Judges*.

DOUGAL, *Administrative Patent Judge*.

ORDER GRANTING ENTRY OF SUPPLEMENTAL INFORMATION
37 C.F.R. § 42.123(a)(1)

Within a month of institution, and in accordance with our rules, Petitioner requested authorization to file a motion to submit supplemental information. *See* 37 C.F.R. § 42.123(a)(1)(1). Petitioner has now filed said Motion (Paper 15 (“Motion” or “Mot.”)) seeking to enter six new pieces of evidence into the record (*Id.* at Exs. A–E). Petitioner attests that Patent Owner does not oppose the Motion. *Id.* at 1.

Our rules require that supplemental information be “relevant to a claim for which the trial has been instituted.” 37 C.F.R. § 42.123(a)(1)(2). Petitioner argues that “the information is directed to a POSA’s understanding of the capability of the dredging pumps described in the Truxor and SenwaTec references to pump liquid manure” which is relevant to claim 1. Mot. 3.

Petitioner seeks to enter six new pieces of evidence into the record as follows:

the full video (and certified translation (Ex. A)) of EX1028, show that a POSA would have understood that the SenwaTec vehicle would have been capable of pumping lagoons filled with “thick slurr[ies]”. *See, e.g.*, Ex. A, 5.

. . . Exs. B-C, which are a newspaper (and certified translation) describing the SenwaTec vehicle, describe how the vehicle is used to pump “sewage slurry.” *See, e.g.*, Ex. C, 1.

. . . Exs. D-E each separately describe how dredging pumps have been used to pump various forms of manure.

Mot. 3–4 (paragraphing added).

We agree that the capability of the dredging pumps to pump liquid manure is relevant to claim 1, and that the proposed evidence is likewise relevant to this question. We determine that the Motion satisfies the

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requirements of 37 C.F.R. § 42.123(a), grant the Motion and authorize Petitioner to enter the six identified documents into the record.

ORDER

It is:

ORDERED that Petitioner's Motion to Submit Supplemental Information is *granted* for entry of the full video of Ex. 1028 and Exhibits A–E attached to the Motion.

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