

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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BAZOOKA-FARMSTAR, LLC,  
Petitioner,

v.

NUHN INDUSTRIES LTD.,  
Patent Owner.

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IPR2023-01161 (Patent 11,358,425 B1)  
IPR2024-00004 (Patent 11,491,835 B2)  
IPR2024-00098 (Patent 11,541,708 B2)<sup>1</sup>

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

MEYERS, *Administrative Patent Judge*.

ORDER  
Conduct of the Proceeding  
35 U.S.C. §§ 42.5

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<sup>1</sup> The combined caption is for administrative convenience only and does not indicate that IPR2023-01161, IPR2024-00004, and IPR2024-00098 have been joined. The parties are not authorized to use this caption without express permission of the Board.

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#### A. INTRODUCTION

On June 19, 2024, Petitioner e-mailed the Board to request a conference concerning proposed procedures to obtain testimony from certain foreign, third-party witnesses. Ex. 3001. A conference call in the above proceeding was held on July 1, 2024, between respective counsel for the parties and Judges Petravick, Meyers, and Dougal.

#### B. DISCUSSION

In its email, Petitioner “requests that the Board permit deposition testimony of these foreign witnesses outside of the United States,” and further “seeks guidance from the Board on how discovery for these three related IPR proceedings and the district court proceedings might be consolidated so that these third-party individuals need not undergo four successive rounds of depositions on the same sets of facts that are at issue in these proceedings.” Ex. 3001, 1. During the call, Patent Owner objected to Petitioner’s proposals, citing the time and location provisions of 37 CFR § 42.53(b).

We note that at this stage in the proceedings, we do not know to what extent the testimony at issue will be relied upon by the parties, if at all. We therefore consider Petitioner’s requests to be moot at this time. If at a later time the testimony is to be relied upon, the parties may contact the Board to request another conference.

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