

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTHERN IOWA
DAVENPORT DIVISION

NUHN INDUSTRIES LTD,)CASE NO.:
)3:22-CV-00015-SMR-HCA
Plaintiff,)
)
vs.)Transcript of
)Meet and Confer
BAZOOKA FARMSTAR LLC,)
)
Defendant.)Volume I of I
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THE ABOVE-ENTITLED PROCEEDINGS, taken place
before Emma L. Rosky, Certified Shorthand
Reporter and Registered Professional Reporter for
the State of Iowa, commencing at 8:26 a.m.,
June 26, 2024, at 111 East Grand Avenue,
Suite 301, Des Moines, Iowa, with Attorney Dubis
present via telephone.

Reported by: Emma L. Rosky, CSR, RPR

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A P P E A R A N C E
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1 we'll be able to agree to narrow this any
2 further, but if Nuhn has specific proposals it
3 wants us to consider, we're happy to take those
4 under advisement.

5 MR. KELLA: Got it. Okay. I think
6 we're making decent time, so why don't we see
7 what else we can lop off here?

8 MS. SOUTHER: Yeah. I think the next
9 one I have here is Request for Production 80,
10 which I think is no longer in dispute. This
11 relates to the use of the IPR documents in the
12 litigation. Nuhn indicated it would withdraw its
13 motion for a protective order in the 425 IPR, so
14 we appreciate that.

15 MR. KELLA: Yeah, I don't think it was
16 withdraw the motion for protective order, but
17 we'll get something on file, however it's styled,
18 to make sure it's an exception to what we're
19 requesting.

20 MS. SOUTHER: So that we can use the
21 documents in this litigation.

22 MR. KELLA: Yeah. I mean, just,
23 like -- I don't -- yeah. Yeah. Well, I mean, so
24 that using them is not a violation of the
25 protective order.

1 MS. SOUTHER: Correct.

2 MR. KELLA: We're not -- I mean, I
3 don't think it's -- I think it's premature to
4 talk about whether the use is proper, this or
5 that, but it's so that the protective order is
6 not --

7 MS. SOUTHER: Agreed.

8 MR. KELLA: -- it must come along with
9 the appropriate decimations.

10 MS. SOUTHER: Of course. So we
11 appreciate that and wanted to discuss a possible
12 timeline for that happening. Our proposal, as we
13 discussed on our last telephone meet and confer,
14 was to have that handled by the end of June. I'm
15 not sure if Nuhn has considered that date, but
16 we'd like to get this issue resolved.

17 MR. KELLA: Yeah, let's see if we can
18 get it on file by the end of this week or early
19 next.

20 MS. SOUTHER: Okay.

21 MR. KELLA: Practically speaking, I
22 don't -- I think the motion was only made in one
23 proceeding if I'm right --

24 MS. SOUTHER: Correct.

25 MR. KELLA: -- and it's not been

1 entered, so I don't know what an immediate filing
2 will do, but --

3 MS. SOUTHER: Right. It has only been
4 entered in that one IPR, so we also wanted to
5 just confirm that Nuhn's not going to make a
6 similar motion in the other two IPRs.

7 MR. KELLA: No -- and I mean, we -- our
8 agreement is in this letter; that, you know, your
9 use is not a violation of the protective order.

10 MS. SOUTHER: Right.

11 MR. KELLA: So it's -- okay. Okay.

12 MS. SOUTHER: So that we can consider
13 resolved?

14 MR. KELLA: Yeah.

15 MS. SOUTHER: And then the next -- the
16 remaining requests are all of the document
17 requests in our most recent sixth set of requests
18 for production.

19 MR. KELLA: Yeah. Yeah. Okay. Could
20 I trouble everyone just to take a five-minute
21 break?

22 MS. SOUTHER: Sure.

23 (A recess was taken.)

24 MR. KELLA: All right. Sixth set of
25 rogs and RFPs? Sixth and final.

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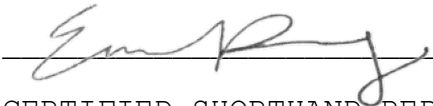
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I, Emma L. Rosky, a Certified Shorthand Reporter of the State of Iowa and Registered Professional Reporter, do hereby certify that there came before me at the time, date, and place hereinbefore indicated, the witness named on the caption sheet hereof, who was by me duly sworn to testify to the truth of said witness's knowledge, touching and concerning the matters in controversy in this cause; that the witness was thereupon examined under oath, the examination taken down by me in shorthand, and later reduced to printed form under my supervision and direction, and that the deposition is a true record of the testimony given and of all objections interposed.

I further certify that I am neither attorney or counsel for, or related to or employed by any of the parties to the action in which this deposition is taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties hereto or financially interested in the action.

Dated at Des Moines, Iowa, this 29th day of July, 2024.


CERTIFIED SHORTHAND REPORTER,
and REGISTERED PROFESSIONAL
REPORTER