

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BAZOOKA-FARMSTAR, LLC,

Petitioner,

v.

NUHN INDUSTRIES LTD.,

Patent Owner.

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

**PATENT OWNER'S OBJECTION TO EVIDENCE
UNDER 37 C.F.R. § 42.64, RE: PETITIONER'S REPLY TO PATENT
OWNER RESPONSE IN INTER PARTES REVIEW OF U.S. PATENT NO.
11,358,425**

Patent Owner Nuhn Industries Ltd. (“Nuhn”) objects under 37 C.F.R. § 42.64(b)(1) and the Federal Rules of Evidence (“FRE”) to the admissibility of certain Exhibits submitted by Petitioner Bazooka-Farmstar, LLC (“Bazooka”) with Petitioner’s Reply To Patent Owner Response In Inter Partes Review Of U.S. Patent No. 11,358,425. More specifically, Patent Owner object to the admissibility of Exhibits 1112, 1114 and 1115 pursuant to 37 C.F.R. § 42.61 (Admissibility), 37 C.F.R. § 42.64 (Objection; motion to exclude), 37 C.F.R. § 42.62(a) and/or one or more of: FRE 403, 602, 701-703, 705, 801-803, and 901.

I. OBJECTIONS

Patent Owner objects to the admissibility of Exhibits 1112, 1114 and 1115 (“the Exhibits”) under to one or more of the following objections:

37 C.F.R. § 42.61 (Admissibility), 37 C.F.R. § 42.64 (Objection; motion to exclude)

- (1) 37 C.F.R. § 42.61(a), 37 C.F.R. § 42.62(a), and FRE 403, the Exhibits are duplicative and/or likely to confuse the issues at trial;
- (2) 37 C.F.R. § 42.61(a), 37 C.F.R. § 42.62(a), and FRE 602, the Exhibits are not based on personal knowledge of the declarant;
- (3) 37 C.F.R. § 42.61(a), 37 C.F.R. § 42.63(b) and FRE 701, because the respective Exhibits contain averments that purport to require specialized knowledge within the scope of FRE 702;

- (4) 37 C.F.R. § 42.61(a), 37 C.F.R. § 42.63(b) and FRE 702 because the respective Exhibits do not qualify the Declarant as an expert having expert knowledge, skill, experience, training, or education to qualify himself as an expert;
- (5) 37 C.F.R. § 42.61(a), 37 C.F.R. § 42.63(b) and FRE 703 because the respective Exhibits do not sufficiently identify the facts, data or information relied on in forming the averments contained within the same.
- (6) 37 C.F.R. § 42.61(a), 37 C.F.R. § 42.62(a) and FRE 801 and/or 802 and/or 803, the Exhibits are based on hearsay evidence; and/or
- (7) 37 C.F.R. § 42.61(a), 37 C.F.R. § 42.62(a), and FRE 901, the Exhibits are produced without any admissible evidence establishing that each respective Exhibit is what it purports to be and, in fact, are produced with no evidence explaining what each exhibit is.

Dated: August 13, 2024

Respectfully submitted,

By: /James B. Luchsinger/

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. 42.6(e), I certify that on this 13th day of August 2024, a true and correct copy of the foregoing **PATENT OWNER'S OBJECTION TO EVIDENCE UNDER 37 C.F.R. § 42.64** was served by electronic mail on Petitioner's lead and backup counsel at the following addresses:

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