

Filed Jointly on Behalf of: Bazooka-Farmstar, LLC and Nuhn Industries LTD.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BAZOOKA-FARMSTAR, LLC

Petitioner,

- vs. -

NUHN INDUSTRIES LTD.,

Patent Owner

AMENDED JOINT REQUEST FOR ORAL ARGUMENT

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

Bazooka-Farmstar, LLC (“Petitioner”) and Nuhn Industries Ltd. (“Patent Owner”) (collectively, the “Parties”) filed a Joint Request for Oral Argument (“Initial Request”) (Paper 46) on August 27, 2024. Patent Owner then filed a Supplemental Request for Oral Argument (“Supplemental Request”) (Paper 47) adding topics to the list of issues for which oral argument is being requested. The Parties submit this Amended Joint Request For Oral Argument to account for Patent Owner’s Motion to Amend, which was inadvertently omitted from the Initial Request.¹ . The Parties additionally request an opportunity to present oral argument regarding Patent Owner’s Motion to Amend the ‘425 Patent and Substitute Claims 22-42. This Paper therefore supersedes the Parties’ Initial Request (Paper 46) and the Patent Owner’s Supplemental Request (Paper 47).

The Parties request that the oral argument take place via remote videoconference. The oral argument is currently scheduled to be held on October 8, 2024. Paper No. 13 at 11. The Parties request one hour and thirty minutes of argument per side given the additional grounds of invalidity implicated by Patent Owner’s Motion to Amend.

¹ Patent Owner’s Supplemental Request (Paper 47) added the Motion to Amend to the issues for which oral argument is requested.

Petitioner's Statement:

Without waiving consideration of any issue not identified below, Petitioner requests one hour and thirty minutes to address the following issues:

1. That Claims 1-21 are anticipated under 35 U.S.C. § 102 over Carrier;
2. That Claims 1-7 and 12-19 are obvious under 35 U.S.C. § 103 over Truxor in view of Yoon or Carrier;
3. That Claims 1-7 and 12-19 are obvious under 35 U.S.C. § 103 over SenwaTec in view of Yoon or Carrier;
4. That Claims 1-21 are obvious under 35 U.S.C. § 103 over Puck in view of Bryham;
5. That Claims 1-21 are obvious under 35 U.S.C. § 103 over Puck in view of Bryham in further view of Bennett-II;
6. That Claims 1-21 are anticipated under 35 U.S.C. § 102 over Lyseng;
7. That Substitute Claims 22-25, 27, 28, and 33-40 are obvious under 35 U.S.C. § 103 over Cheramie in view of Yoon or Carrier;
8. That Substitute Claims 22-25, 27, 28, and 33-40 are obvious under 35 U.S.C. § 103 over SenwaTec in view of Yoon or Carrier;
9. That Substitute Claims 22-25, 27, 28, and 33-40 are obvious under 35 U.S.C. § 103 over Truxor in view of Yoon or Carrier;

10. That Substitute Claims 22-42 are obvious under 35 U.S.C. § 103 over Puck in view of Bryham and Manure Manager;
11. That Claims 1-21 and Substitute Claims 22-42 are not patentable in view of secondary considerations of non-obviousness;
12. Patent Owner's Motion to Amend;
13. Petitioner's and Patent Owner's Motions to Exclude Evidence, if any;
14. Rebuttal of any arguments made by Patent Owner, including any arguments raised in Patent Owner's request for oral argument; and
15. Any additional issues on which the Board seeks clarification.

Petitioner respectfully reserves the right to supplement and/or amend the foregoing statement of issues to the extent the Rules permit.

At oral argument, Petitioner intends to use audio/visual equipment to display demonstrative exhibits.

Patent Owner's Statement:

Without waiving consideration of any issue not identified below, Patent Owner requests one hour and thirty minutes to address the following issues:

16. That Claims 1-21 are not anticipated under 35 U.S.C. § 102 by Carrier (Ground 1 of Petition);
17. That Claims 1-7 and 12-19 are not obvious under 35 U.S.C. § 103 over Truxor in view of Yoon or Carrier (Ground 2 of Petition);

18. That Claims 1-7 and 12-19 are not obvious under 35 U.S.C. § 103 over SenwaTec in view of Yoon or Carrier (Ground 3 of Petition);
19. That Claims 1-21 are not obvious under 35 U.S.C. § 103 over Puck in view of Bryham (Ground 4 of Petition);
20. That Claims 1-21 are not obvious under 35 U.S.C. § 103 over Puck in view of Bryham in further view of Bennett-II (Ground 5 of Petition);
21. That Claims 1-21 are not anticipated under 35 U.S.C. § 102 by Lyseng (Ground 6 of Petition);
22. That Substitute Claims 22-25, 27, 28, and 33-40 are not obvious under 35 U.S.C. § 103 over Cheramie in view of Yoon or Carrier (MTA Opp. Ground 1);
23. That Substitute Claims 22-25, 27, 28, and 33-40 are not obvious under 35 U.S.C. § 103 over SenwaTec in view of Yoon or Carrier (MTA Opp. Ground 2);
24. That Substitute Claims 22-25, 27, 28, and 33-40 are not obvious under 35 U.S.C. § 103 over Truxor in view of Yoon or Carrier (MTA Opp. Ground 3);
25. That Substitute Claims 22-42 are not obvious under 35 U.S.C. § 103 over Puck in view of Bryham and Manure Manager (MTA Opp. Ground 4);
26. That Claims 1-21 and Substitute Claims 22-42 are patentable in view of secondary considerations of nonobviousness;

27. Patent Owner's Motion to Amend;
28. Petitioner's and Patent Owner's Motions to Exclude Evidence, if any;
29. Rebuttal of any arguments made by Petitioner; and
30. Any additional issues on which the Board seeks clarification.

Patent Owner respectfully reserves the right to supplement and/or amend the foregoing statement of issues to the extent the Rules permit.

At oral argument, Patent Owner intends to use audio/visual equipment to display demonstrative exhibits.

As noted above, the oral argument is currently scheduled to be held on October 8, 2024. Paper No. 13 at 11. Counsel for Patent Owner respectfully requests the oral argument to be rescheduled to October 10, 2024. Petitioner does not oppose this modification to the scheduled oral argument date. Counsel for the parties are available for a conference call with the Board to discuss this request if necessary.

Respectfully submitted,

Date: August 28, 2024

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CERTIFICATE OF SERVICE

The undersigned certifies, in accordance with 37 C.F.R. §§42.105 and 42.6, that service was made on the Patent Owner as detailed below.

<i>Date of service</i>	August 28, 2024
<i>Manner of service</i>	Electronic mail addressed to: bluchsinger@harnessip.com syackey@harnessip.com mcutler@harnessip.com
<i>Documents served</i>	Amended Joint Request for Oral Argument
<i>Persons served</i>	James B. Luchsinger HARNESS, DICKY & PIERCE P.L.C. 5445 Corporate Dr., Suite 200 Troy, MI 48098 Phone: 248-641-1600 Fax: 248-641-0270 bluchsinger@harnessip.com Scott E. Yackey HARNESS, DICKY & PIERCE, P.L.C. 2801 Network Blvd., Suite 600 Frisco, TX 75034 syackey@harnessip.com Matthew L. Cutler HARNESS, DICKY & PIERCE, P.L.C. 7700 Bonhomme, Suite 400 Clayton, MO 63105 mcutler@harnessip.com

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