

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

REVISED JOINT REQUEST FOR ORAL ARGUMENT

Case No.: IPR2024-00004
U.S. Patent No. 11,491,835

Bazooka-Farmstar, LLC (“Petitioner”) and Nuhn Industries LTD. (“Patent Owner”) (collectively, the “Parties”) previously filed their Joint Request for Oral Argument (Paper 44) on December 2, 2024, pursuant to the Board’s Scheduling Order, listing the due date for the request for oral argument as December 3, 2024.

Pursuant to 37 C.F.R. § 42.70(a) and the Board’s December 19, 2024 Revised Scheduling Order (Paper No. 46), the Parties file this Revised Joint Request for Oral Argument, requesting an opportunity to present oral argument regarding the unpatentability of Claims 1-40 (the “Challenged Claims”) of U.S. Patent No. 11,491,835 (“the ’835 Patent”) along with Patent Owner’s Revised Motion to Amend the ’835 Patent and Substitute Claims 41-80. This Revised Joint Request for Oral Argument acknowledges the updated date of the oral argument included in the Revised Scheduling Order and accounts for the arguments raised in Petitioner’s Opposition to the Revised Motion to Amend (Paper 47), filed on December 23, 2024. It is otherwise substantively unchanged from the Parties’ earlier request.

The Parties request that the oral argument take place via remote videoconference. The oral argument is currently scheduled to be held on February 13, 2025. Paper No. 46 at 6.

The Parties request one hour and fifteen minutes of argument per side given the additional grounds of invalidity implicated by Patent Owner’s Revised Motion to Amend.

Petitioner's Statement:

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

1. That Claims 1-10, 13-26, and 29-40 are anticipated under 35 U.S.C. § 102 over Carrier;
2. That Claims 1-5, 7-21, and 23-40 are obvious under 35 U.S.C. § 103 over Truxor in view of Yoon or Carrier;
3. That Claims 1-5, 7-21, and 23-40 are obvious under 35 U.S.C. § 103 over SenwaTec in view of Yoon or Carrier;
4. That Claims 1-40 are obvious under 35 U.S.C. § 103 over Puck in view of Bryham;
5. That Claims 1-40 are obvious under 35 U.S.C. § 103 over Puck in view of Bryham in further view of Bennett-II;
6. That Claims 1-40 and Substitute Claims 41-80 are not patentable in view of secondary considerations of nonobviousness;
7. That Substitute Claims 41-80 are obvious under 35 U.S.C. § 103 over Puck in view of the Puck Boat, Bryham, and Manure-Manager;
8. That Substitute Claims 41-80 fail to comply with the requirements of 35 U.S.C. §112(a);

9. That Patent Owner's Revised Motion to Amend fails to comply with the requirements of 37 C.F.R. § 42.121.
10. Petitioner's and Patent Owner's Motions to Exclude Evidence, if any;
11. Rebuttal of any arguments made by Patent Owner, including any arguments raised in Patent Owner's request for oral argument; and
12. 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 fifteen minutes to address the following issues:

13. That Claims 1-10, 13-26, and 29-40 are not anticipated under 35 U.S.C. § 102 by Carrier (Ground 1 of Petition);
14. That Claims 1-5, 7-21, and 23-40 are not obvious under 35 U.S.C. § 103 over Truxor in view of Yoon or Carrier (Ground 2 of Petition);
15. That Claims 1-5, 7-21, and 23-40 are not obvious under 35 U.S.C. § 103 over SenwaTec in view of Yoon or Carrier (Ground 3 of Petition);

16. That Claims 1-40 are not obvious under 35 U.S.C. § 103 over Puck in view of Bryham (Ground 4 of Petition);
17. That Claims 1-40 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);
18. That Substitute Claims 41-80 are not obvious under 35 U.S.C. § 103 over Puck in view of the Puck Boat, Bryham, and Manure-Manager;
19. That Substitute Claims 41-80 comply with the requirements of 35 U.S.C. § 112(a);
20. That Patent Owner's Revised Motion to Amend complies with the requirements of 37 C.F.R. § 42.121.
21. Patent Owner's Revised Motion to Amend and that Substitute Claims 41-80 meet the statutory and regulatory requirements for a motion to amend and are patentable over the prior art;
22. That Claims 1-40 and Substitute Claims 41-80 are patentable in view of secondary considerations of nonobviousness;
23. Petitioner's and Patent Owner's Motions to Exclude Evidence, if any;
24. Rebuttal of any arguments made by Petitioner; and
25. 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.

Counsel for the Parties are available for a conference call with the Board to discuss this request if necessary.

Respectfully submitted,

Date: December 27, 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>	December 27, 2024
<i>Manner of service</i>	Electronic mail addressed to: bluchsinger@harnessip.com syackey@harnessip.com mcutler@harnessip.com
<i>Documents served</i>	Revised Joint Request for Oral Argument
<i>Persons served</i>	James B. Luchsinger HARNESS, DICKEY & 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, DICKEY & PIERCE, P.L.C. 2801 Network Blvd., Suite 600 Frisco, TX 75034 syackey@harnessip.com Matthew L. Cutler HARNESS, DICKEY & PIERCE, P.L.C. 7700 Bonhomme, Suite 400 Clayton, MO 63105 mcutler@harnessip.com

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