

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BAZOOKA-FARMSTAR, LLC

Petitioner,

- vs. -

NUHN INDUSTRIES LTD.,

Patent Owner.

OBJECTIONS TO PATENT OWNER'S DEMONSTRATIVE EXHIBITS

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

Pursuant to the Order Regarding Oral Argument (Paper 58 at 3), Bazooka files its objections to Nuhn’s demonstrative exhibits (Papers 62 and 64). The Parties met and conferred, seeking to resolve these objections on February 12, 2025. The Parties were unable to resolve the objections during the meet and confer.

I. Slides 14 and 17-18 of Nuhn’s Hearing Demonstratives (Paper 62)

Bazooka objects to the inclusion of slides 14 and 17-18 (Exhibit A) of Nuhn’s Hearing Demonstratives (Paper 62) because these slides discuss the “corrosive characteristics” of manure in connection with the construction of the term “liquid manure pump” and reference previously uncited publications (EX1112 and EX1113) in connection with its arguments for the construction of the term “liquid manure pump”, which are new arguments that Nuhn did not make in its Patent Owner’s Response (Paper 23) and therefore is not permitted to address in the Oral Hearing. *See* November 2019 Trial Practice Guide at 52 (citing *In re Nuvasive, Inc.*, 842 F.3d 1376, 1381 (Fed. Cir. 2016) (explaining that a patent owner waives an issue if it fails to raise the issue in its response after trial is instituted)); Paper 13 at 9; *Netflix, Inc. v. Avago Techs. Int’l Sales PTE. Ltd.*, IPR2021-01298, Paper 44 at 9-10 (PTAB Feb. 6, 2023).

II. Slides 32 and 35 of Nuhn’s Motion to Amend Demonstratives (Paper 64)

Bazooka objects to the inclusion of slides 32 and 35 (Exhibit B) of Nuhn’s Motion to Amend Demonstratives (Paper 64) because these slides discuss the Puck

rear nozzle yoke component being submerged in specific modes of operation, which are new arguments that Nuhn did not make in its Reply to Bazooka's Opposition to the Revised Motion to Amend (Paper 59) and therefore is not permitted to address in the Oral Hearing. *See* November 2019 Trial Practice Guide at 85-86.

Respectfully submitted,

MERCHANT & GOULD P.C.

Date: February 12, 2025

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(Trial No. IPR2024-00004)

ATTORNEYS FOR PETITIONER

CERTIFICATE OF SERVICE

The undersigned certifies, in accordance with 37 C.F.R. § 42.6(e), that service was made on Counsel for Patent Owner as detailed below.

<i>Date of service</i>	February 12, 2025
<i>Manner of service</i>	Electronic mail addressed to: bluchsinger@harnessip.com syackey@harnessip.com mcutler@harnessip.com
<i>Documents served</i>	Objections to Patent Owner's Demonstrative Exhibits
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EXHIBIT A

What makes liquid manure different than water?

14

Highly Corrosive - Experts Agree

Petitioner's Expert

120. Animal waste is also known to exhibit **corrosive** characteristics and metal exposed to liquid animal wastes, such as those in manure lagoons, can result in significant material loss. One study reports that as much as several millimeters of material could be lost from a metallic plate in a year's time. EX1049, 5. Other studies describe some metal samples losing the entirety of their metal mass in less than 30 months of exposure to the lagoon surface. EX1050, 8. A POSA would have been motivated to avoid exposing certain types of metal equipment, such as vehicle trailers, to corrosive lagoon liquids.

EX1004, ¶120.

Patent Owner's Expert

144. Moreover as asserted by Petitioner and Dr. Winkel, a POSITA would have understood that liquid manure lagoon is highly corrosive. See EX1004, Winkel Decl. ¶ 120. Dr. Winkel asserts that "[a] POSA would have been motivated to avoid exposing certain types of metal equipment, such as vehicle trailers, to corrosive lagoon liquids." *Id.* He's **entirely correct** on this point, and for that very reason a POSITA would have never looked to using an amphibious vehicle in a liquid manure lagoon. Thus a POSITA would not have utilized an amphibious vehicle with

EX2029, ¶144.



Claim Construction

17

2. “liquid manure pump” (at least independent claims 1 and 39) Patent Owner’s Expert:

49. POSITAs understand that a “liquid manure pump” is a particular type/class of pump that you can go out and buy / select for manure pumping applications. Indeed, references to “manure pumps” are scattered throughout various advertisements and articles in the Manure-Manager publications (EX1112 and EX1113), demonstrating that this is a term known and used by POSITAs in the art to reference to a particular type / class of pumps. Liquid manure pumps differ from ordinary pumps in that the materials and components of a liquid manure pump must be capable of withstanding the highly corrosive environment of liquid manure lagoons and the shear behavior / forces associated with pumping a non-Newtonian fluid. They must also have components and tolerances that will perform in liquid manure pumping applications without failure or clogging.

EX2106, ¶49.



Claim Construction

18

2. “liquid manure pump” (at least independent claims 1 and 39)

Manure Injection Equipment



HOSE

Snap-tite Drag
4 1/2", 5", 5 1/2", & 6"
6" G&H Feeder
200 & 250 PSI
New 8" Supply Hose!



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Cornell Manure Pumps



4x4x14T-14
4NHTB-17.5
6NHTB-17.5
6NHTB-19

Manure-Manager:

Cornell Manure Pumps



4x4x14T-14
4NHTB-17.5
6NHTB-17.5
6NHTB-19

EX1112, 23.

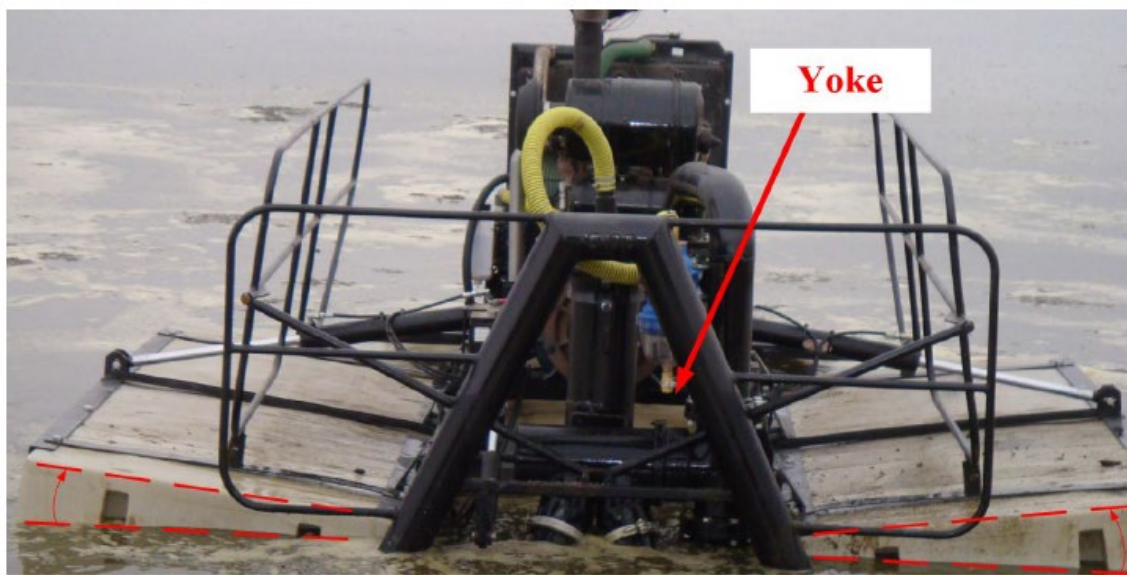


EXHIBIT B

Substitute Claims 41-80 Are Not Obvious based on Puck [EX1014] in view of Bryham [EX1015] and Manure Manager [EX1088]

32

Petitioner's Expert on submerged component / submerged portion of the vehicle:



EX1164, 1 (annotated).

EX1174, ¶85.



EX1165, 0:38 (annotated).

EX1174, ¶83.

Substitute Claims 41-80 Are Not Obvious based on Puck [EX1014] in view of Bryham [EX1015] and Manure Manager [EX1088]

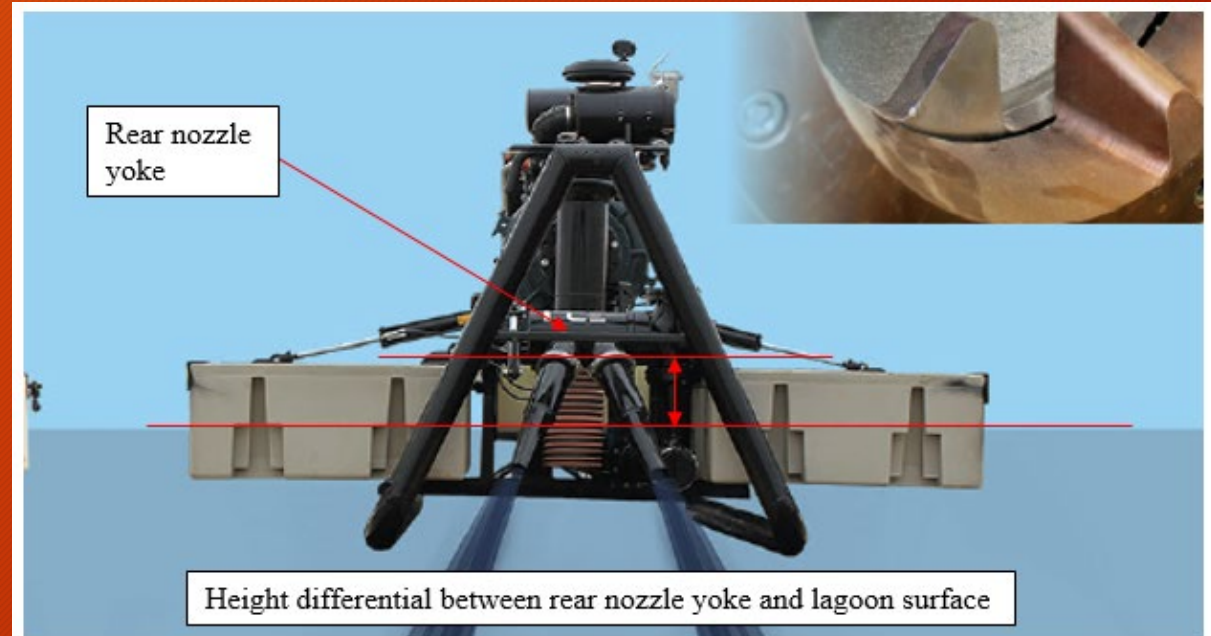
35

A POSITA would NOT understand Puck's Rear Nozzle Yoke to be a submerged component:

189. The top of the buoyant elements (floats) are not submersed when the Puck Boat is floating so a POSITA would not understand the rear nozzle yoke to be a submerged component of the vehicle, as required by Substitute Claim 41.



EX2106, ¶189.



EX1160, p. 2 (annotated).

EX2106, ¶189.

DEMONSTRATIVE EXHIBIT - NOT EVIDENCE