

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

JOINT MOTION TO SEAL

Patent Owner Nuhn Industries Ltd. (“Patent Owner”) and Petitioner Bazooka-Farmstar, LLC (“Petitioner”) (collectively “the parties”), jointly file this Joint Motion to Seal.

Patent Owner previously filed Paper 23, EX2059, EX2075-2078, and EX2083 with an associated Motion to Seal (Paper 20). Patent Owner requests the Board grant that Motion (Paper 20) for the reasons discussed in Paper 20. Petitioner does not oppose Patent Owner’s request to seal the above referenced documents.

Petitioner previously filed Papers 34 and 36, EX1110, EX1116-1117, EX1137, EX1172-1174, and EX1178 under seal, but without an associated motion to seal. This Joint Motion to Seal is being filed by the parties to maintain some, but not all of those documents under seal, as identified below.

Documents Filed by Petitioner Under Seal That Are To Remain Sealed:

Document	Reason for Sealing
EX1172 - CAD Image Depicting Lagoon Crawler Bottom View, Produced as NUHN15000127402 in the ’015 Litigation	Screen capture from Nuhn’s proprietary CAD files. Contains confidential technical details. Patent Owner does not make this information available to the public and doing so would risk Patent Owner’s competitive position in the market. The entire exhibit should be sealed because redaction of image is not possible (entire image is confidential).
EX1173 - CAD Image Depicting Lagoon Crawler Top View, Produced as NUHN15000127407 in the ’015 Litigation	Screen capture from Nuhn’s proprietary CAD files. Contains confidential technical details. Patent Owner does not make this information available to the public and doing so would risk Patent Owner’s competitive position in

	the market. The entire exhibit should be sealed because redaction of image is not possible (entire image is confidential).
EX1174 - Declaration of Eric Winkel in Support of Petitioner's Opposition to Patent Owner's Revised Motion to Amend, Dated October 1, 2024	Pg. 80-81 of expert declaration contain screen captures from Nuhn's proprietary CAD files (EX1172-1173). Contains confidential technical details. Patent Owner does not make this information available to the public and doing so would risk Patent Owner's competitive position in the market. A redacted version has been publicly filed.
EX1178 - Deposition Transcript of Ian Nuhn, Taken on October 28, 2024	Pg. 172, lines 24-25, pg. 173, lines 3-18, and pg. 174, lines 1, 13, and 15 contain testimony related the amount of money Nuhn has spent on advertising. This is confidential financial information. Patent Owner does not make this information available to the public and doing so would risk Patent Owner's competitive position in the market. A redacted version has been publicly filed.

The parties wish for the above documents to remain sealed and file the present Joint Motion requesting an Order sealing the above identified documents.

Documents Filed by Petitioner Under Seal that No Longer Require Sealing:

Document
Paper 34 - Reply to Patent Owner Response in <i>Inter Partes</i> Review of U.S. Patent No. 11,491,835
Paper 36 - Petitioner's Opposition to the Motion to Amend <i>Inter Partes</i> Review of U.S. Patent No. 11,491,835

EX1110 - Declaration of Eric Winkel in Support of Petitioner's Reply to the Patent Owner's Response, Dated October 1, 2024
EX1116 - Deposition Transcript of Ian Nuhn, Taken on May 30, 2024
EX1117 - Deposition Transcript of Douglas Prairie, Taken on June 25, 2024
EX1137 - Deposition Transcript of Ian Nuhn, Taken on September 26, 2024

Upon review and conferral, the parties notify the Board that they are no longer seeking to seal the documents listed above.

Date: March 20, 2025

Respectfully submitted,

By: /James B. Luchsinger/
James B. Luchsinger, Reg. 73,705
HARNESS DICKY & PIERCE, P.L.C.
5445 Corporate Drive, Suite 200
Troy, MI 48098
Phone: 248-641-1600
Fax: 248-641-0270
bluchsinger@harnessip.com

Scott E. Yackey, Reg. 73,301
HARNESS, DICKY & PIERCE, P.L.C.
2801 Network Blvd., Suite 600
Frisco, TX 75034
Phone: 469-777-5400
Fax: 469-777-5401
syackey@harnessip.com

Matthew L. Cutler, Reg. No. 43,574
HARNESS DICKY & PIERCE, P.L.C.
7700 Bonhomme Ave., Suite 400
St. Louis, MO 63105
Phone: 314-726-7500
Fax: 314-726-7501
mcutler@harnessip.com

Attorneys for Patent Owner

By: /Thomas J. Leach/
Thomas J. Leach
Registration No. 53,188
Robert A. Kalinsky
Registration No. 50,471
Michael A. Erbele
(admitted *pro hac vice*)
Taylor R. Stemler
Registration No. 79,777
MERCHANT & GOULD P.C.
150 South Fifth Street, Suite 2200
Minneapolis, MN 55402
TLeach@merchantgould.com
RKalinsky@merchantgould.com
MErbele@merchantgould.com
TStemler@merchantgould.com

Jeffrey D. Blake
Registration No. 58,884
MERCHANT & GOULD P.C.
191 Peachtree Street NE, Suite
3800
Atlanta, GA 30303
JBlake@merchantgould.com

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>	March 20, 2025
<i>Manner of service</i>	Electronic mail addressed to: bluchsinger@harnessip.com syackey@harnessip.com mcutler@harnessip.com
<i>Documents served</i>	Joint Motion to Seal
<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 <u>/Thoms J. Leach/</u> Thomas J. Leach, Registration No. 53,188