UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BOMBARDIER RECREATIONAL PRODUCTS, INC.,
Petitioner,

v.

MHL CUSTOM INC.,
Patent Owner.

U.S. Patent No. 9,586,659 B2
Case No. IPR2024-00085[1]

JOINT REQUEST TO FILE AGREEMENT AS BUSINESS CONFIDENTIAL INFORMATION PURSUANT TO 35 U.S.C. § 317(b) AND 37 C.F.R. § 42.74(c)

---

[1] Bombardier Recreational Products Inc., who filed a petition in IPR2024-01107, is joined as petitioner (*see* Paper 29), and Foil Boarding Company, Inc. was terminated as petitioner (*see* Paper 32).

PETITIONER'S UPDATED EXHIBIT LIST

Exhibit	Description
1001	U.S. Patent No. 9,586,659 ("'659 Patent")
1002	Declaration of Stefan Brizzolara, Ph.D.
1003	Certified English Translation of Evolo slutrapport ("EvoloReport")
1004	Affidavit of Bjorn Lofgren Regarding Translation of EvoloReport
1005	Swedish-Language Version of Evolo slutrapport
1006	YouTube.com, *Evolo prototype run* [https://www.youtube.com/watch?v=a-_OCN50aWo&t=10s] ("EvoloPrototypeRun")
1007	Screenshot of EvoloPrototypeRun Page Information
1008	YouTube.com, *Evolo movie* [https://www.youtube.com/watch?v=zL9fO8tFl18] ("EvoloMovie")
1009	Screenshot of EvoloMovie Page Information
1010	YouTube.com, *Test run – the new Torqeedo 4.0 R installed on Evolo!!!* [https://www.youtube.com/watch?v=fKOQ0JwQnjc] ("EvoloTorqeedo")
1011	U.S. Patent No. 6,443,786 ("Woolley")
1012	U.S. Patent No. 4,020,782 ("Gleason")
1013	U.S. Patent No. 8,290,636 ("Manning")
1014	Torqeedo Motor Operating Manual for Torqeedo Cruise 2.0 S/L
1015	U.S. Patent No. 9,359,044 ("'044 Patent")
1016	Prosecution History of '044 Patent
1017	Prosecution History of '659 Patent
1018	Declaration of Jakob Kuttenkeuler
1019	Affidavit of Ingmarie Rohdin Regarding English Language Translation of Batnytt Magazine Article; Swedish Language Version of Batnytt; English Translation of Båtnytt Magazine Article ("Batnytt")
1020	Affidavit of Ingmarie Rohdin Regarding Translation of Batnytt

	Magazine Viewership Information for 2009; Swedish Language Version of Batnytt Viewership Information; English Language Translation of Batnytt Viewership Information ("BatnyttViewership")
1021	Internet Archive Declaration of Nathaniel E Frank-White
1022	Screenshot of EvoloTorqeedo Page Information
1023	Claim Construction Order from *MHL CUSTOM, INC. v. WAYDOO USA, INC. and SHENZHEN WAYDOO INTELLIGENCE TECHNOLOGY CO., LTD,* C.A. No. 21-0091-RGA
1024	Stipulation and Order Staying Proceedings from *MHL CUSTOM, INC. v. FOIL BOARDING COMPANY, INC.*, No. 3:22-cv-21258
1025	Confidential Settlement Agreement between Foil Boarding Company, Inc. and MHL Custom, Inc.
1026	Confidential Agreement between Bombardier Recreational Products, Inc. and MHL Custom, Inc.

Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c), Petitioner Bombardier Recreational Products, Inc. ("BRP") and Patent Owner MHL Custom, Inc. ("MHL") (collectively, "the Parties") jointly request to file the Agreement between the Parties (Confidential Exhibit 1026), as referenced in the Joint Motion to Terminate Proceedings, filed concurrently herewith, as business confidential information, and that the Board and the Office keep the Agreement separate from the file of the involved patent. The Parties acknowledge that the Agreement shall be made available only to Federal Government agencies on written request, or to persons showing good cause on written request, pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. §42.74(c). Further, the Parties each request that they be notified if and when the Board receives and/or considers a request for access to the settlement agreement and be offered an opportunity to respond to any such request. *See Arista Networks, Inc. v. Catlemorton Wireless, LLC*, IPR2020-00986 Pap. 7, 4 (PTAB Oct. 28, 2020). The present request is timely and in accordance with 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). In view of this request, the agreements have been filed for access "Only to Board." The Board authorized this request in an email dated April 30, 2025.

Respectfully Submitted,

Dated: May 1, 2025

By: /David L. Cavanaugh/
David L. Cavanaugh (Reg. No. 36,476)
WILMER CUTLER PICKERING
HALE AND DORR LLP
1875 Pennsylvania Avenue, NW
Washington, DC 20006
Tel: 202-663-6000
david.cavanaugh@wilmerhale.com

Counsel for Petitioner
Bombardier Recreation Products, Inc.

Dated: May 1, 2025

By: /Robert J. Theuerkauf/
Robert J. Theuerkauf (Reg. No. 55,843)
GRAY ICE HIGDON
3939 Shelbyville Road, Suite 201
Louisville, Kentucky 40207
Tel: 502-677-4729
rjt@grayice.com
Lead Counsel for Patent Owner
MHL Custom, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on May 1, 2025, I caused a true and correct copy of the following:

- Joint Request to File Agreement as Business Confidential Information Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c)
- Petitioner's Updated Exhibit List
- Petitioner's Confidential Exhibit 1026

to be served on Patent Owner via electronic mail to:

Robert J. Theuerkauf (rjt@grayice.com)

Megan E. Gibson (mgibson@grayice.com)

Eric S. Barr (ebarr@grayice.com)

/Alexander J. Nemtzow/
Alexander J. Nemtzow
(Reg. No. 82,130)