

From: [Trials](#)
To: [Yackey, Scott](#); [Trials](#)
Cc: [Tom Leach](#); [Michael Erbele](#); [Robert A. Kalinsky](#); [Jeffrey Blake](#); [Luchsinger, J. Bradley](#); [Jeremy Miller](#); [Cutler, Matthew](#); [{F6096799}.Active@ef.merchantgould.com](#); [Taylor R. Stemler](#); [stl_legal Correspondence _18863_400016](#)
Subject: RE: Bazooka-Farmstar, LLC v. Nuhn Industries Ltd. IPR2024-00098 [IMAN-DB1.FID6096799] [HDP-stl_legal.FID1520352]
Date: Monday, March 18, 2024 11:25:05 AM
Attachments: [image001.png](#)

Counsel,

From the Board –

Petitioner's request to file a reply to Patent Owner's Preliminary Response in IPR2024-00098 is granted. The reply is limited to 7 pages and due by March 25, 2024. The reply is further limited to responding to Patent Owner's Preliminary Response, and in particular to addressing 1) claim construction; 2) discretionary denial; and 3) overlap with IPR2023-01161.

Patent Owner's request to file a sur-reply is also granted. The sur-reply is limited to 7 pages and is due by the earlier of April 1, 2024 or 5 business days after Petitioner files the reply. The sur-reply is limited to responding to arguments in the reply.

Regards,

Esther Goldschlager
Supervisory Paralegal Specialist
Patent Trial & Appeal Board
U.S. Patent & Trademark Office

From: Yackey, Scott <syackey@harnessip.com>
Sent: Friday, March 15, 2024 5:36 PM
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Subject: RE: Bazooka-Farmstar, LLC v. Nuhn Industries Ltd. IPR2024-00098 [IMAN-DB1.FID6096799] [HDP-stl_legal.FID1520352]

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Dear Board,

As a follow up to the Board's question during today's conference in IPR2023-01161, should the Board grant Petitioner's request to file a reply in IPR2024-00098, Patent Owner Nuhn requests that it be permitted 5 business days following Petitioner's filing of its reply in order to file Patent Owner's sur-reply.

Best regards,
Scott Yackey
Counsel for Patent Owner

Scott Yackey | Attorney at Law, Principal

O: 469.777.5423



From: Taylor R. Stemler <TStemler@MerchantGould.com>

Sent: Friday, March 15, 2024 8:41 AM

To: Trials <Trials@USPTO.GOV>

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Subject: Bazooka-Farmstar, LLC v. Nuhn Industries Ltd. IPR2024-00098 [IMAN-DB1.FID6096799]

EXTERNAL EMAIL - USE CAUTION

Dear Board,

I am counsel for Petitioner Bazooka-Farmstar, LLC ("Petitioner") in IPR2024-00098. Petitioner seeks authorization to file a motion seeking leave to file a 7-page reply to Patent Owner's Preliminary Response ("POPR") pursuant to 37 C.F.R. § 42.108(c). The reply will address the following issues in the POPR:

1. Regarding the construction of the term "buoyant elements positioned between the front wheel and rear wheel on each side of the vehicle" terms, Petitioner will respond to the arguments raised by Patent Owner that this term should be construed as "a buoyant element is positioned in the space between the front and rear wheels on each of the right and left sides of the vehicle body."
2. Regarding discretionary denial, Petitioner will respond to the arguments raised by Patent Owner Nuhn Industries LTD. ("Patent Owner") on pages 14-22 of the POPR that the Board should use its discretion to deny institution.
3. Petitioner will identify arguments raised by Patent Owner that were already considered and addressed by the Board as a part of the institution decision in IPR2023-01161 regarding the related '425 Patent, such as, for example, arguments regarding the level of skill in the art, the use of the Lonneman declaration, the motivation to combine references, and the ability of the prior art references to pump liquid manure.

Petitioner states that good cause exists to address these three points because Patent Owner raises new claim construction and discretionary denial arguments, which Petitioner could not have anticipated prior to filing its petition. Additionally, the institution decision of the '425 Patent was issued after Petitioner filed its petition in IPR2024-00098 regarding the '708 Patent.

Petitioner can file the reply within 5 business days of being authorized to do so.

Petitioner has discussed this issue with Patent Owner, and Patent Owner does not oppose Petitioner's request, so long as Patent Owner is granted leave to file a sur-reply of an equal number of pages to whatever Petitioner receives. Petitioner does not object to a sur-reply by Patent Owner.

Petitioner and Patent Owner are available on March 19, 2024 and March 20, 2024 from 10am-5pm ET for a call to discuss this request.

Best,

Taylor Stemler
Counsel for Petitioner

Taylor R. Stemler
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