

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

JOINT REQUEST FOR ORAL ARGUMENT

Case IPR2024-00098
U.S. Patent No. 11,541,708

Pursuant to 37 C.F.R. § 42.70(a) and the Board’s May 23, 2024 Scheduling Order (Paper No. 11), Bazooka-Farmstar, LLC (“Petitioner”) and Nuhn Industries LTD. (“Patent Owner”) (collectively, the “Parties”) request an opportunity to present oral argument regarding the unpatentability of Claims 1-38 (the “Challenged Claims”) of U.S. Patent No. 11,541,708 (“the ’708 Patent”).

The Parties request that the oral argument take place via remote videoconference. The oral argument is currently scheduled to be held on February 26, 2025. Paper No. 11 at 11. *The Parties respectfully request that the oral argument be rescheduled to March 14, 2025 due to scheduling conflicts of counsel.* Counsel for the Parties are available for a conference call with the Board to discuss this request if necessary.

The Parties request one hour of argument per side.

Petitioner’s Statement:

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

1. That Claim 23 is anticipated under 35 U.S.C. § 102 over Bennett-II;
2. That Claims 1, 8-18, 21-28, and 35-38 are obvious under 35 U.S.C. § 103 over Truxor in view of Yoon or Carrier;
3. That Claims 1, 8-18, 21-28, and 35-38 are obvious under 35 U.S.C. § 103 over SenwaTec in view of Yoon or Carrier;

4. That Claims 1, 8-18, 23-28, and 35-38 are obvious under 35 U.S.C. § 103 over Puck in view of Bryham;
5. That Claims 1, 8-18, 23-28, and 35-38 are obvious under 35 U.S.C. § 103 over Puck and Bryham in further view of Bennett-II;
6. That Claims 1-38 are obvious under 35 U.S.C. § 103 over Truxor and Yoon or Carrier in further view of Manure-Manager;
7. That Claims 1-38 are obvious under 35 U.S.C. § 103 over SenwaTec and Yoon or Carrier in further view of Manure-Manager;
8. That Claims 1-38 are obvious under 35 U.S.C. § 103 over Puck and Bryham (alone or in view of Bennett-II) in further view of Manure Manager;
9. That Claims 1-38 are not patentable in view of secondary considerations of non-obviousness.
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 the Patent Owner's Statement in the 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 to address the following issues:

13. That Claim 23 is not anticipated under 35 U.S.C. § 102 over Bennett-II (Ground 1);
14. That Claims 1, 8-18, 21-28, and 35-38 are not obvious under 35 U.S.C. § 103 over Truxor in view of Yoon or Carrier (Ground 2);
15. That Claims 1, 8-18, 21-28, and 35-38 are not obvious under 35 U.S.C. § 103 over SenwaTec in view of Yoon or Carrier (Ground 3);
16. That Claims 1, 8-18, 23-28, and 35-38 are not obvious under 35 U.S.C. § 103 over Puck in view of Bryham (Ground 4);
17. That Claims 1, 8-18, 23-28, and 35-38 are not obvious under 35 U.S.C. § 103 over Puck and Bryham in further view of Bennett-II (Ground 5);
18. That Claims 1-38 are not obvious under 35 U.S.C. § 103 over Truxor and Yoon or Carrier in further view of Manure-Manager (Ground 6);
19. That Claims 1-38 are not obvious under 35 U.S.C. § 103 over SenwaTec and Yoon or Carrier in further view of Manure-Manager (Ground 7);

20. That Claims 1-38 are not obvious under 35 U.S.C. § 103 over Puck and Bryham (alone or in view of Bennett-II) in further view of Manure Manager (Ground 8);
21. That Claims 1-38 are patentable in view of secondary considerations of nonobviousness.
22. Patent Owner's and Petitioner's Motions to Exclude Evidence, if any;
23. Rebuttal of any arguments made by Petitioner, including any arguments raised in the Petitioner's Statement in the request for oral argument; and
24. 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: January 8, 2025

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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>	January 8, 2025
<i>Manner of service</i>	Electronic mail addressed to: bluchsinger@harnessip.com syackey@harnessip.com mcutler@harnessip.com
<i>Documents served</i>	Joint Request for Oral Argument
<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

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