IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

UNVERFERTH MFG. CO., INC., Plaintiff, v. PAR-KAN CO., LLC, Defendant.	Civil Action No 3:23-cv-00653-GSL-SJF

DEFENDANT PAR-KAN CO., LLC'S L.P.R. 4-1(b) DISCLOSURES

Unverferth Exhibit 2037
Par-Kan v. Unverferth
IPR2024-01427

Under Local Patent Rules 4-1(b)(1) and (b)(2), and in accordance with the Court's Scheduling Order (Dkt. No. 80), Par-Kan discloses its preliminary claim constructions of each disputed term of U.S. Patent Nos. 9,745,123 and 8,967,940, identifies all references from the specification or prosecution history that support its constructions, and designates supporting extrinsic evidence.

This disclosure is preliminary, and Par-Kan reserves the right to modify, supplement, or amend to the extent permitted, based on any information learned during the claim construction process. Par-Kan may exercise this right, for example, in response to the claim constructions proposed by Unverferth or by parties in other proceedings involving any of the same or related patent(s); the parties' meet and confer discussions regarding the claim constructions; any other positions taken by Unverferth or by parties in any proceeding involving any of the same or related patent(s) regarding the construction or meaning of claim terms; any additional relevant information learned through discovery; any relevant proceedings before the U.S. Patent Office; and/or any order of the Court in this matter.

Par-Kan's disclosure does not imply or admit that any technical features referenced in either the intrinsic or extrinsic evidence are relevant to or within the scope of any claim term. Par-Kan's disclosure may encompass both affirmative evidence and rebuttal evidence that Par-Kan reasonably anticipates may be relevant at this stage of the proceedings.

Par-Kan designates Douglas Prairie as an expert who Par-Kan may rely on for opinions regarding claim construction and/or indefiniteness. Par-Kan expects Mr. Prairie to opine on the following topics:

- his background and qualifications;
- the asserted patents and their prosecution histories;

- the level of ordinary skill in the art at the time of the alleged inventions ;
- the state of the art at the time of the alleged inventions;
- extrinsic evidence identified by Par-Kan, Unverferth, or any party in matters involving any of the asserted patents;
- whether the preambles of the challenged claims are limiting;
- the proper construction of each term proposed for construction;
- whether the scope of any term that Par-Kan contends is indefinite fails to inform, with reasonable certainty, those skilled in the art about the scope of the claimed invention when read in light of the specification and prosecution history; and
- Unverferth's proposed constructions and any supporting evidence or information identified by Unverferth in support.

By designating Mr. Prairie as an expert who Par-Kan may rely on for opinions regarding claim construction and/or indefiniteness, Par-Kan does not waive any right to rely on other expert(s) who may provide a declaration or testimony addressing these issues.

Mr. Prairie and/or other expert(s) retained by Par-Kan may also offer testimony in rebuttal to any expert testimony offered by Unverferth, including as to the level of ordinary skill in the art, the technology described in the asserted patents, technical background concerning any claim term and what one of ordinary skill in the art would understand the claim term to mean in view of the specifications, the prosecution history, the language of the claims, and/or the extrinsic evidence.

No.	Claim Term	Preliminary Claim Construction	Intrinsic Evidence	Extrinsic Evidence
1	"a base" ('940 patent, claims 1, 8, 16)	"a base mounted on the frame"	'940 patent at Abstract, 2:65–3:1, 3:38–65, Figs. 1, 4, 5, 10	Unverferth's statements and arguments regarding this term in other matters. *See, e.g.*, PAR-KAN_0001300–PAR-KAN_0001370
2	"a base mounted below said main hopper discharge" ('940 patent, claim 1)	If the Court rejects Par-Kan's proposed construction of "a base," this term is indefinite	'940 patent at Abstract, 2:65–3:1, 3:38–65, Figs. 1, 4, 5, 10	Expert testimony of Douglas Prairie
3	"an approximate center of gravity of said conveyor" ('940 patent, claims 1, 8, 16; '123 patent, claim 19)	Indefinite	'940 patent at Abstract, Figs. 1–3, 6, 2:4–7, 3:1–11 '123 patent at Abstract, Figs. 1–3, 6, 2:8–11, 3:1–17	Expert testimony of Douglas Prairie
4	"proximate" (four instances in '123 patent, claim 10)	Indefinite	'123 patent at Abstract, Figs. 1–5, 2:5–18, 3:1–4:4	Expert testimony of Douglas Prairie
5	"a hydraulic piston extending at an acute angle relative to a horizontal plane" ('123 patent, claim 20; '940 patent, claims 6, 14, 22)	"a hydraulic piston extending at an angle greater than zero and less than 90° relative to a horizontal plane"	'123 patent at Figs. 4–6, 3:57–59 '940 patent at Figs. 4–6, 3:51–53	Expert testimony of Douglas Prairie PAR-KAN_0001371–PAR-KAN_0001388
6	"seed or grain tender" ('940 patent and '123 patent, all claims)	Non-limiting If limiting: "seed or grain carrier or seeding machine"	'940 patent at Title, Abstract, 1:16–17, 1:43–46, 2:55–57 '123 patent at Title, Abstract, 1:18–19, 1:46–47, 2:60–62	Expert testimony of Douglas Prairie

7	"below" ('940 patent, claims 1, 8, 16)	Plain and ordinary meaning	'940 patent at Abstract, 2:66–3:1, 3:12–14, 3:38–65, 4:42–44	Expert testimony of Douglas Prairie
8	"vertical" ('940 patent, claims 1, 8, 16; '123 patent, claim 17)	Plain and ordinary meaning	'940 patent at Figs. 1–6, 2:1–4, 2:8–11, 3:1–8, 3:26–32, 3:38–41, 3:61–63 '123 patent at Figs. 1–6, 2:5–8, 2:12–15, 3:4–13, 3:32–38, 3:44–47, 3:67–4:2	Expert testimony of Douglas Prairie

Dated: December 19, 2024

Respectfully submitted,

By: */s/ Alexander Pechette*

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served by electronic mail on December 19, 2024 upon all counsel who have entered an appearance in this matter.

/s/ Alexander Pechette