UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

KUBOTA NORTH AMERICA CORPORATION,
Petitioner,

v.

VERMEER MANUFACTURING COMPANY,
Patent Owner.

IPR2025-00168
U.S. Patent No. 9,321,386

Filed: March 16, 2026

PATENT OWNER'S MOTION TO SEAL DEMONSTRATIVE EXHIBIT

Patent Owner Vermeer Manufacturing Company ("Vermeer") respectfully submits this Motion to Seal its unredacted oral argument demonstrative exhibit.

I. RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.14, Vermeer respectfully requests that the Board seal the demonstrative exhibit, which Vermeer contemporaneously submits for use during the parties' final oral argument. The demonstrative exhibit contains references to certain information that Petitioner Kubota has designated as "PROTECTIVE ORDER MATERIAL," and which Kubota has therefore represented to Vermeer reflects trade secret or other confidential research, development, or commercial information. *Cf.* Ex. 2038 (Default Protective Order); Paper 29 (Order granting entry of Default Protective Order). Based on Kubota's representations, Vermeer submits this Motion to Seal.

II. GOVERNING RULES AND PTAB GUIDANCE

While under 35 U.S.C. § 316(a)(1), papers filed in an *inter partes* review are generally open and available for access by the public, a party may file a concurrent Motion to Seal to protect public disclosure of certain confidential information, which has the effect of sealing the information at issue pending resolution of the motion. In determining whether to grant a Motion to Seal, the Board must find "good cause," 37 C.F.R. § 42.54(a), and "strike a balance between the public's interest in maintaining a complete and understandable file history and the parties' interest in

protecting truly sensitive information." Trial Practice Guide ("TPG") at I.E (Dec. 2025). The Board identifies confidential information "in a manner consistent with Federal Rule of Civil Procedure 26(c)(1)(G), which provides for protective orders for trade secret or other confidential research, development, or commercial information." *Id.* at I.E.2.

Based on the procedure set forth in the TPG, Vermeer seeks to prevent the disclosure of sensitive information that Kubota has represented is contained in the information that Vermeer now cites in its demonstrative exhibit.

III. IDENTIFICATION OF CONFIDENTIAL DOCUMENTS

The document that Vermeer seeks to seal is Exhibit 2048, which is the demonstrative exhibit that Vermeer intends to present during the parties' March 19, 2026 oral argument. Two of the slides in Vermeer's demonstrative exhibit reference Exhibit 2027 to IPR2025-00169, which contains information that Kubota has designated "PROTECTIVE ORDER MATERIAL" under the parties' stipulated Default Protective Order.[1] When the parties' conferred regarding their demonstrative exhibits, Kubota confirmed that such information remains

[1] Vermeer simultaneously submits a public version of its demonstrative exhibit, which redacts the two slides containing information that Kubota has designated as confidential.

appropriately designated for filing under seal. Under the terms of the stipulated Default Protective Order, which the Board adopted on September 19, 2025 (Paper 29), documents so designated must be filed under seal. Ex. 2038, ¶ 5(B).

IV. GOOD CAUSE EXISTS FOR SEALING THE CONFIDENTIAL INFORMATION

The standard for granting a motion to seal is "good cause." *Garmin Int'l, Inc. v. Cuozzo Speed Techs. LLC*, IPR2012-00001, Paper 34 at 3 (P.T.A.B. Mar. 14, 2013). This requires the Board to "strike a balance between the public's interest in maintaining a complete and understandable file history and the parties' interest in protecting truly sensitive information." *Garmin Int'l, Inc. v. Cuozzo Speed Techs. LLC*, IPR2012-00001, Paper 36 at 4 (P.T.A.B. Mar. 14, 2013). Confidential information in IPR proceedings is identified "in a manner consistent with Federal Rule of Civil Procedure 26(c)(1)(G), which provides for protective orders for trade secret or other confidential research, development, or commercial information." TPG at I.E.2. In particular, the Board will protect confidential information after balancing "the public's interest in maintaining a complete and understandable file history and the parties' interest in protecting truly sensitive information." *Id.* at I.E.

In accordance with the rules and procedures, Vermeer moves to seal above Exhibit 2048 in its entirety, as it includes information Kubota has designated as "PROTECTIVE ORDER MATERIAL" under the stipulated Default Protective Order, and good cause exists to seal the Exhibits. Based on Kubota's representation

that the designated information is indeed confidential, Vermeer understands that the information sought to be sealed has not been published or otherwise made public. Good cause therefore exists to seal Vermeer's demonstrative exhibit.

V. CONCLUSION

For the foregoing reasons, Vermeer respectfully requests that the Board seal Exhibit 2048.

Date: March 16, 2026

Respectfully submitted,

/Richard L. Brophy/

Richard L. Brophy
Reg. No. 69,736
Armstrong Teasdale LLP
7700 Forsyth Boulevard
Suite 1800
Saint Louis, Missouri 63105
Telephone: 314.621.5070
Facsimile: 314.621.5065
rbrophy@atllp.com

Lead Counsel for Patent Owner

CERTIFICATE OF SERVICE

Under 37 C.F.R. § 42.6(e), the undersigned certifies that on March 16, 2026, a copy of the foregoing was served via electronic mail on the following attorneys of record:

David M. O'Dell
HAYNES AND BOONE, LLP
2801 N. Harwood Street, Suite 2300
Dallas, TX 75201
Phone: (972) 739-8635
Fax: (214) 200-0853
david.odell.ipr@haynesboone.com
USPTO Reg. No. 42,044

Greg Michelson
HAYNES AND BOONE, LLP
2801 N. Harwood Street, Suite 2300
Dallas, TX 75201
Phone: (949) 202-3022
Fax: (214) 200-0853
greg.michelson.ipr@haynesboone.com
USPTO Reg. No. 44,940

Kelly Gehrke Lyle
HAYNES AND BOONE, LLP
2801 N. Harwood Street, Suite 2300
Dallas, TX 75201
Phone: (512) 867-8528
Fax: (214) 200-0853
kelly.lyle.ipr@haynesboone.com
USPTO Reg. No. 62,332

John Russell Emerson
HAYNES AND BOONE, LLP
2801 N. Harwood Street, Suite 2300
Dallas, TX 75201
Phone: (214) 651-5328
Fax: (214) 200-0853
Russ.Emerson.IPR@haynesboone.com
USPTO Reg. No. 44,098

Hong Shi
HAYNES AND BOONE, LLP
2801 N. Harwood Street, Suite 2300
Dallas, TX 75201
Phone: (512) 867-8440
Fax: (214) 200-0853
hong.shi.ipr@haynesboone.com
USPTO Reg. No. 69,009

By: *___/Richard L. Brophy/____*
Lead Counsel for Patent Owner
Richard L. Brophy
Reg. No. 69,736

CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME REQUIREMENTS UNDER 37 C.F.R. § 42.24

Under 37 C.F.R. § 42.24(d), the undersigned certifies that the Patent Owner's Motion complies with the type-volume requirements of 37 C.F.R. § 42.24(a)(1)(v) because it is less than 15 pages, excluding the parts of the Motion exempted by 37 C.F.R. § 42.24(a).

This Motion also complies with the typeface requirements of 37 C.F.R. § 42.6(a)(2)(ii) and the type style requirements of 37 C.F.R. § 42.6(a)(2)(iii) and (iv).

Dated: March 16, 2026

By: */Richard L. Brophy/*

Richard L. Brophy
Reg. No. 69,736
Armstrong Teasdale LLP
7700 Forsyth Boulevard
Suite 1800
Saint Louis, Missouri 63105
Telephone: 314.621.5070
Facsimile: 314.621.5065
rbrophy@atllp.com