UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

VERMEER MANUFACTURING COMPANY, *Plaintiff*, v. KUBOTA NORTH AMERICA CORPORATION and KUBOTA TRACTOR CORPORATION, *Defendants.*	Civil Action No. 4:24-cv-00799-P

PRELIMINARY INVALIDITY CONTENTIONS OF DEFENDANTS KUBOTA NORTH AMERICA CORPORATION AND KUBOTA TRACTOR CORPORATION

Defendants Kubota North America Corporation and Kubota Tractor Corporation ("Kubota") hereby serve their Preliminary Invalidity Contentions ("Invalidity Contentions") and accompanying document production on Plaintiff Vermeer Manufacturing Company ("Plaintiff" or "Vermeer").

I. Introduction

Kubota hereby provides the following Invalidity Contentions pursuant to the Court's Scheduling Order (ECF. No. 34), including Amended Miscellaneous Order 62 ("Misc. Order 62") referenced in paragraph 21 of the Court's Scheduling Order. Plaintiff's Preliminary Infringement Contentions identifies certain claims from U.S. Patent No. 9,321,386 (the "'386 Patent"), U.S Patent No. 9,975,750 (the "'750 Patent"), U.S Patent No. 10,202,266 (the "'266 Patent"), U.S. Patent No. 11,465,891 (the "'891 Patent"), and U.S. Patent No. 12,098,063 (the "'063 Patent") (collectively the "Asserted Patents") as the Asserted Claims, which are also identified in the table below:

Vermeer Manufacturing Company – Ex. 2014
Kubota v. Vermeer
IPR2025-00170
Page 1 of 10

Asserted Patent	Asserted Claims
'386 Patent	1, 2, 3, 4, 12, 15, 31, 33, 38, 42, 45, 49, 50, 52, 55, 56, 57, 58, 59, 62, 63, 69, 78, 79, 80, 81, 82
'750 Patent	1, 2, 3, 4, 17, 19, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36
'266 Patent	1, 2, 3, 4, 6, 19, 20, 21, 22, 24, 25, 26
'891 Patent	1–10
'063 Patent	4–14

II. Reservation of Rights

A. General Reservations

Kubota's Invalidity Contentions are based on its current knowledge, understanding, and belief as to the facts and information available as of the date of these Invalidity Contentions, and on the constructions and positions as to claim scope that Plaintiff appears to be advancing based on Plaintiff's Preliminary Infringement Contentions. Nothing in these Invalidity Contentions should be understood or deemed to be an express or implied admission or contention with respect to the proper construction of any terms contained within the asserted claims of the patents-in-suit or as to the proper scope of the asserted claims. Accordingly, Kubota's Invalidity Contentions (including the attached charts attached herein to as **Exhibits A01-A18, B01-B18, C01-C18, D01-D18, and E01-E18** (collectively, the "Invalidity Charts")) take into account alternative positions as to claim scope. Further, by including prior art that would anticipate and/or render obvious claims based on Plaintiff's apparent assertions or any other particular claim construction, Kubota is not adopting Plaintiff's assertions. These Invalidity Contentions are not an admission by Kubota that the accused products, including any current or past version of these products, are covered by, or infringe these claims, particularly when they are properly construed.

Consistent with Misc. Order 62 ¶¶ 3-6, 3-7, Kubota reserves the right to modify and/or amend these Invalidity Contentions. Kubota reserves all rights to amend and/or supplement these

Reference	Short Name	Filing/Priority Date	Date of Issue or Publication	Country of Origin
U.S. Patent No. 6,205,665	Anderson	July 16, 1999	March 27, 2001	United States
U.S. Patent Application Publication No. 2008/0197588	Azure I	February 12, 2008	August 21, 2008	United States
U.S. Patent Application Publication No. 2009/0064543	Azure II	September 11, 2007	March 12, 2009	United States
U.S. Patent Application Publication No. 2016/0244937	Azure III	February 20, 2015	August 25, 2016	United States
U.S. Patent No. 2,298,450	Baker	December 23, 1939	October 13, 1942	United States
U.S. Patent No. 6,832,659	Bares	October 30, 2002	December 21, 2004	United States
U.S. Patent No. 3,586,195	Beltrami	December 23, 1968	June 22, 1971	United States
U.S. Patent No. 5,551,523	Berg	February 18, 1994	September 3, 1996	United States
U.S. Patent Application Publication No. 2009/0078488	Bock	September 24, 2008	March 26, 2009	United States
FR1,316,493	Derruppe	September 13, 1961	December 26, 1962	France
U.S. Patent No. 2,774,496	Dorkins	August 3, 1955	December 18, 1956	United States
JP11140900	Fukuzumi	August 21, 1998	May 25, 1999	Japan
JP2005194845	Hirao	January 9, 2004	July 21, 2005	Japan
U.S. Patent No. 5,169,278	Hoechst I	November 12, 1991	December 8, 1992	United States
U.S. Patent No. 6,474,933	Hoechst II	August 18, 1997	November 5, 2002	United States
U.S. Patent No. 9,695,570	Ito	July 28, 2014	July 4, 2017	United States
JP 200417705	JP705	June 13, 2002	January 22, 2004	Japan
KR20000013724	Kim	March, 17, 2000	June 15, 2001	Korea
KR101041996	KR996	April 16, 2009	June 16, 2011	Korea
U.S. Patent Application Publication No. 2002/0092694	McIlwraith	March 13, 2002	July 18, 2002	United States
JP63265022	Miyaji	April 23, 1987	November 1, 1988	Japan

Reference	Short Name	Filing/Priority Date	Date of Issue or Publication	Country of Origin
JP2006307498	Mori	April 27, 2005	November 9, 2006	Japan
U.S. Patent No. 2,563,277	Roeder	September 19, 1947	August 7, 1951	United States
U.S. Patent Application Publication No. 2010/0168933	Rorabaugh	June 9, 2006	July 1, 2010	United States
U.S. Patent Application Publication No. 2007/0017713	Sewell	June 9, 2006	January 25	United States
U.S. Patent No. 4,087,101	Shimazaki	October 27, 1976	May 2, 1978	United States
U.S. Patent No. 3,074,572	Ulinski	December 3, 1957	January 22, 1963	United States
U.S. Patent Application Publication No. 2009/0116943	Valere	April 17, 2007	May 7, 2009	United States
U.S. Patent Application Publication No. 2007/0128012	Yamada	December 4, 2006	June 7, 2007	United States
U.S. Patent Application Publication No. 2010/0003117	Yamashita	April 2, 2009	January 7, 2010	United States
U.S. Patent No. 8,545,163	Yasuda	January 26, 2010	October 1, 2013	United States

The following printed publication discloses and/or renders obvious elements of one or more of the Asserted Claims of the Asserted Patents:

Printed Publication(s) to the Asserted Claims of the Asserted Patents

Reference	Short Name	Date of Publication	Author/Publisher
SAE International Surface Vehicle Recommended Practice J2752	SAE	June 2010	Society of Automotive Engineers

The following prior art systems/products include and/or render obvious elements of one or more of the Asserted Claims of the Asserted Patents:

DATED: January 31, 2025

By: */s/ Jamie Raju*

Thomas J. Williams
Texas Bar No. 21578500
thomas.williams@haynesboone.com
Brian Singleterry
Texas Bar No. 24098433
brian.singleterry@haynesboone.com
HAYNES AND BOONE, LLP
301 Commerce Street, Suite 2600
Fort Worth, TX 76102
(817) 347-6600
(817) 347-6650 (fax)

Jason T. Lao
California Bar. No. 288161 (*admitted pro hac vice*)
jason.lao@haynesboone.com
HAYNES AND BOONE, LLP
600 Anton Blvd., Suite 700
Costa Mesa, CA 92626
(949) 202-3000
(949) 202-3001 (fax)

John R. Emerson
Texas Bar No. 24002053
russ.emerson@haynesboone.com
Jamie Raju
Texas Bar No. 24095717
jamie.raju@haynesboone.com
HAYNES AND BOONE, LLP
2801 N. Harwood Street, Suite 2300
Dallas, TX 75201
(214) 651-5000
(214) 651-5940(fax)

Attorneys for Defendants Kubota North America Corporation and Kubota Tractor Corporation

Appendix A – Exemplary References and Combinations of References

Table 1 below identifies references that anticipates and/or render obvious one or more of the Asserted Claims of the Asserted Patents based on the teachings and disclosures set forth in the identified corresponding Exhibits.

Table 1:

	Exhibit Nos. Corresponding to the Following Asserted Patents:				
	'386 Patent	**'750 Patent**	**'266 Patent**	**'891 Patent**	**'063 Patent**
Azure III	A01	B01	C01	D01	E01
Dingo TX1000	A02	B02	C02	D02	E02
KR996	A03	B03	C03	D03	E03
Ulinski	A04	B04	C04	D04	E04
Miyaji	A05	B05	C05	D05	E05
DitchWitch SK750	A06	B06	C06	D06	E06
Fukuzumi	A07	B07	C07	D07	E07
Yasuda	A08	B08	C08	D08	E08
Yamashita	A09	B09	C09	D09	E09
Ito	A10	B10	C10	D10	E10
Yamada	A11	B11	C11	D11	E11
Hoechst II	A12	B12	C12	D12	E12
Mori	A13	B13	C13	D13	E13
Kubota SVL75	A14	B14	C14	D14	E14
Bares	A15	B15	C15	D15	E15
Hirao	A16	B16	C16	D16	E16
Sewell	A17	B17	C17	D17	E17
Omnibus References[1]	A18	B18	C18	D18	E18

[1] Omnibus References include Anderson, Azure I, Azure II, Beltrami, Berg, Bock, Derrupe, Dorkins, Hoechst I, JP705, Kim, McIlwraith, Rorabaugh, SAE, and Valere.

Appendix A – Exemplary References and Combinations of References

Table 2 identifies combinations of references that render obvious all of the Asserted Claims of all of the Asserted Patents based on the teachings and disclosures set forth in the corresponding exhibits, as identified in **Table 1**. The combinations identified in **Table 2** are exemplary and are not exhaustive or limiting in any way. Kubota reserves the right to amend, supplement, and/or modify this listing of combinations in any way as Kubota sees fit.

Table 2:

Exemplary Combinations
Azure I + Anderson
Azure I + Anderson + SAE
Azure I + Azure III
Azure I + Azure III + Anderson
Azure I + Azure III + Anderson + SAE
Azure I + Azure III + Beltrami
Azure I + Azure III + Beltrami + SAE
Azure I + Azure III + Berg
Azure I + Azure III + Berg + SAE
Azure I + Azure III + JP705
Azure I + Azure III + JP705 + SAE
Azure I + Azure III + SAE
Azure I + Beltrami
Azure I + Beltrami + SAE
Azure I + Berg
Azure I + Berg + SAE
Azure I + Dingo TX 1000
Azure I + Dingo TX 1000 + Anderson
Azure I + Dingo TX 1000 + Anderson + SAE
Azure I + Dingo TX 1000 + Beltrami
Azure I + Dingo TX 1000 + Beltrami + SAE
Azure I + Dingo TX 1000 + Berg
Azure I + Dingo TX 1000 + Berg + SAE
Azure I + Dingo TX 1000 + JP705
Azure I + Dingo TX 1000 + JP705 + SAE
Azure I + Dingo TX 1000 + SAE
Azure I + Fukuzumi
Azure I + Fukuzumi + Anderson
Azure I + Fukuzumi + Anderson + SAE
Azure I + Fukuzumi + Beltrami
Azure I + Fukuzumi + Beltrami + SAE
Azure I + Fukuzumi + Berg

Appendix A – Exemplary References and Combinations of References

Exemplary Combinations
Bares + Hoechst II + Beltrami + SAE
Bares + Hoechst II + Berg
Bares + Hoechst II + Berg + SAE
Bares + Hoechst II + JP705
Bares + Hoechst II + JP705 + SAE
Bares + Hoechst II + SAE
Bares + Ito
Bares + Ito + Anderson
Bares + Ito + Anderson + SAE
Bares + Ito + Beltrami
Bares + Ito + Beltrami + SAE
Bares + Ito + Berg
Bares + Ito + Berg + SAE
Bares + Ito + JP705
Bares + Ito + JP705 + SAE
Bares + Ito + SAE
Bares + JP705
Bares + JP705 + SAE
Bares + KR996
Bares + KR996 + Anderson
Bares + KR996 + Anderson + SAE
Bares + KR996 + Beltrami
Bares + KR996 + Beltrami + SAE
Bares + KR996 + Berg
Bares + KR996 + Berg + SAE
Bares + KR996 + JP705
Bares + KR996 + JP705 + SAE
Bares + KR996 + SAE
Bares + Kubota SVL95
Bares + Kubota SVL95 + Anderson
Bares + Kubota SVL95 + Anderson + SAE
Bares + Kubota SVL95 + Beltrami
Bares + Kubota SVL95 + Beltrami + SAE
Bares + Kubota SVL95 + Berg
Bares + Kubota SVL95 + Berg + SAE
Bares + Kubota SVL95 + JP705
Bares + Kubota SVL95 + JP705 + SAE
Bares + Kubota SVL95 + SAE

Appendix A – Exemplary References and Combinations of References

Exemplary Combinations
KR996 + Fukuzumi + SAE
KR996 + Hoechst I
KR996 + Hoechst I + Anderson
KR996 + Hoechst I + Anderson + SAE
KR996 + Hoechst I + Beltrami
KR996 + Hoechst I + Beltrami + SAE
KR996 + Hoechst I + Berg
KR996 + Hoechst I + Berg + SAE
KR996 + Hoechst I + JP705
KR996 + Hoechst I + JP705 + SAE
KR996 + Hoechst I + SAE
KR996 + Hoechst II
KR996 + Hoechst II + Anderson
KR996 + Hoechst II + Anderson + SAE
KR996 + Hoechst II + Beltrami
KR996 + Hoechst II + Beltrami + SAE
KR996 + Hoechst II + Berg
KR996 + Hoechst II + Berg + SAE
KR996 + Hoechst II + JP705
KR996 + Hoechst II + JP705 + SAE
KR996 + Hoechst II + SAE
KR996 + Ito
KR996 + Ito + Anderson
KR996 + Ito + Anderson + SAE
KR996 + Ito + Beltrami
KR996 + Ito + Beltrami + SAE
KR996 + Ito + Berg
KR996 + Ito + Berg + SAE
KR996 + Ito + JP705
KR996 + Ito + JP705 + SAE
KR996 + Ito + SAE
KR996 + JP705
KR996 + JP705 + SAE
KR996 + Kubota SVL95
KR996 + Kubota SVL95 + Anderson
KR996 + Kubota SVL95 + Anderson + SAE
KR996 + Kubota SVL95 + Beltrami
KR996 + Kubota SVL95 + Beltrami + SAE

Appendix A – Exemplary References and Combinations of References

Exemplary Combinations
KR996 + Kubota SVL95 + Berg
KR996 + Kubota SVL95 + Berg + SAE
KR996 + Kubota SVL95 + JP705
KR996 + Kubota SVL95 + JP705 + SAE
KR996 + Kubota SVL95 + SAE
KR996 + Miyaji
KR996 + Miyaji + Anderson
KR996 + Miyaji + Anderson + SAE
KR996 + Miyaji + Beltrami
KR996 + Miyaji + Beltrami + SAE
KR996 + Miyaji + Berg
KR996 + Miyaji + Berg + SAE
KR996 + Miyaji + JP705
KR996 + Miyaji + JP705 + SAE
KR996 + Miyaji + SAE
KR996 + Mori
KR996 + Mori + Anderson
KR996 + Mori + Anderson + SAE
KR996 + Mori + Beltrami
KR996 + Mori + Beltrami + SAE
KR996 + Mori + Berg
KR996 + Mori + Berg + SAE
KR996 + Mori + JP705
KR996 + Mori + JP705 + SAE
KR996 + Mori + SAE
KR996 + SAE
KR996 + Ulinski
KR996 + Ulinski + Anderson
KR996 + Ulinski + Anderson + SAE
KR996 + Ulinski + Beltrami
KR996 + Ulinski + Beltrami + SAE
KR996 + Ulinski + Berg
KR996 + Ulinski + Berg + SAE
KR996 + Ulinski + JP705
KR996 + Ulinski + JP705 + SAE
KR996 + Ulinski + SAE
KR996 + Yamada
KR996 + Yamada + Anderson