From:	Trials
To:	Richard L. Brophy; Trials; O"Dell, David M.
Cc:	Michael J. Vander Molen; Sydney K. Johnson; David ODell IPR; Greg Michelson IPR; Kelly Lyle IPR; Russ Emerson IPR; Hong Shi IPR; Marc Vander Tuig
Subject:	RE: Kubota v. Vermeer - Request for extra paper - IPR2025-00167, IPR2025-00168, IPR2025-00169, IPR2025-00170, IPR2025-00171; IPR2025-00381; PGR2025-00016
Date:	Wednesday, January 28, 2026 10:44:24 AM
Attachments:	image004.png image005.png image006.png

Counsel,

Petitioner's request to file a 2-3 page paper quoting and citing testimony from the recent expert deposition transcript is *granted*. No argument or other comments should be included in the filings.

Given the timing of the deposition here, we view such a filing by Petitioner as helping the panel prepare for the discussion in the upcoming hearings.

Regards,

Andrew Kellogg,
Deputy Chief Clerk, Trials
Patent Trial and Appeal Board
USPTO
andrew.kellogg@uspto.gov
(571) 272-5366

From: Richard L. Brophy <RBrophy@atllp.com>
Sent: Thursday, January 22, 2026 2:40 PM
To: Trials <Trials@USPTO.GOV>; O'Dell, David M. <David.Odell@haynesboone.com>
Cc: Michael J. Vander Molen <mvandermolen@atllp.com>; Sydney K. Johnson <SKJohnson@atllp.com>; David ODell IPR <david.odell.ipr@haynesboone.com>; Greg Michelson IPR <Greg.Michelson.ipr@haynesboone.com>; Kelly Lyle IPR <Kelly.Lyle.ipr@haynesboone.com>; Russ Emerson IPR <russ.emerson.ipr@haynesboone.com>; Hong Shi IPR <Hong.Shi.ipr@haynesboone.com>; Marc Vander Tuig <MVanderTuig@atllp.com>
Subject: RE: Kubota v. Vermeer - Request for extra paper - IPR2025-00167, IPR2025-00168, IPR2025-00169, IPR2025-00170, IPR2025-00171; IPR2025-00381; PGR2025-00016

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Dear Board:

Patent Owner asked Petitioner's counsel for some basis in the Board's rules (or any other authority) for his request to make an additional substantive submission, but Petitioner provided none. Because the entire short transcript of Dr. Velinsky's deposition was submitted by Patent Owner as Exhibit 2039, Petitioner will have ample opportunity to call specific portions of this transcript to the Board's attention during the hearing, if it wishes. For these reasons, we informed Petitioner's counsel that Patent Owner objected to the request, and also to Petitioner's argumentative email below in accordance with the Scheduling Order at 2 ("The email may not contain substantive argument....").

Best regards,
Richard Brophy
Counsel for Patent Owner

Armstrong Teasdale

Richard L. Brophy

PARTNER
INTELLECTUAL PROPERTY LITIGATION

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From: Trials <Trials@USPTO.GOV>
Sent: Thursday, January 22, 2026 11:56 AM
To: O'Dell, David M. <David.Odell@haynesboone.com>; Trials <Trials@USPTO.GOV>
Cc: Michael J. Vander Molen <mvandermolen@atllp.com>; Sydney K. Johnson <SKJohnson@atllp.com>; David ODell IPR <david.odell.ipr@haynesboone.com>; Greg Michelson IPR <Greg.Michelson.ipr@haynesboone.com>; Kelly Lyle IPR <Kelly.Lyle.ipr@haynesboone.com>; Russ Emerson IPR <russ.emerson.ipr@haynesboone.com>; Hong Shi IPR <Hong.Shi.ipr@haynesboone.com>; Marc Vander Tuig <MVanderTuig@atllp.com>; Richard L. Brophy <RBrophy@atllp.com>
Subject: RE: Kubota v. Vermeer - Request for extra paper - IPR2025-00167, IPR2025-00168, IPR2025-00169, IPR2025-00170, IPR2025-00171; IPR2025-00381; PGR2025-00016

CAUTION: EXTERNAL EMAIL

Counsel –

The panel would like a response from Patent Owner's counsel on the basis for the objection. The response should be limited to three substantive sentences.

Regards,

Andrew Kellogg,
Deputy Chief Clerk, Trials
Patent Trial and Appeal Board
USPTO
andrew.kellogg@uspto.gov
(571) 272-5366

UNITED STATES PATENT AND TRADEMARK OFFICE

From: O'Dell, David M. <David.Odell@haynesboone.com>
Sent: Wednesday, January 21, 2026 5:33 PM
To: Trials <Trials@USPTO.GOV>
Cc: Michael J. Vander Molen <mvandermolen@atllp.com>; Sydney K. Johnson <SKJohnson@atllp.com>; David ODell IPR <david.odell.ipr@haynesboone.com>; Greg Michelson IPR <Greg.Michelson.ipr@haynesboone.com>; Kelly Lyle IPR <Kelly.Lyle.ipr@haynesboone.com>; Russ Emerson IPR <russ.emerson.ipr@haynesboone.com>; Hong Shi IPR <Hong.Shi.ipr@haynesboone.com>; Marc Vander Tuig <MVanderTuig@atllp.com>; Richard L. Brophy <RBrophy@atllp.com>
Subject: RE: Kubota v. Vermeer - Request for extra paper - IPR2025-00167, IPR2025-00168, IPR2025-00169, IPR2025-00170, IPR2025-00171; IPR2025-00381; PGR2025-00016

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Dear Board
Petitioner requests to file a 2-3 page paper quoting and citing testimony from a transcript of a recent expert deposition filed in the above-listed proceedings. The paper would not include any arguments from Petitioner. Good cause for this paper is provided below.

On January 6, 2026, Patent Owner (PO) deposed Petitioner's expert Dr. Velinsky, and on Jan. 14 and 20, 2026, PO filed Sur Replies in the above-listed proceedings, including a copy of the deposition transcript provided as Ex. 2039. In these Sur Replies, PO referenced and cited specific portions from the transcript regarding compact utility

loaders (CULs) that Dr. Velinsky says to have designed. The Sur Replies also provided pictures of laboratory prototypes taken from articles discussed in the deposition, which the Patent Owner disputes as to whether such qualify as CULs. While the entire transcript and the articles were filed by Patent Owner with their Sur Replies, Petitioner would like to specifically cite and quote several instances in the transcript where Dr. Velinsky discusses these and other CULs that he designed and that were used outside of the laboratory. Petitioner believes that this would provide a full and complete description of the issue being discussed in the Sur Replies.

These specific citations and quotations of Dr. Velinsky's second deposition (Ex. 2039) include:

- Page 14, ln. 21 – Page 15, ln. 3
- Page 26, ln 15 – Page 27, ln. 6
- Page 30, ln. 22 – Page 32, ln. 14
- Page 50, lns. 6-22

Petition has met and conferred with the Patent Owner, and they object.

HAYNES BOONE

David O'Dell
Counsel for Petitioner

david.odell@haynesboone.com | (t) +1 972.739.8635

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