

Filed on behalf of:

**Patent Owner SightSound Technologies, LLC**

By: David R. Marsh, Ph.D.  
Kristan L. Lansbery, Ph.D.  
ARNOLD & PORTER LLP  
555 12th Street, N.W.  
Washington, DC 20004  
Tel: (202) 942-5068  
Fax: (202) 942-5999

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

APPLE INC.,

*Petitioner,*

v.

SIGHTSOUND TECHNOLOGIES, LLC,

*Patent Owner.*

---

Case CBM2013-00020

Patent 5,191,573

---

**PATENT OWNER'S REQUEST FOR ORAL ARGUMENT**

Pursuant to the Board's April 2, 2014 Revised Scheduling Order (Paper 64), Patent Owner SightSound Technologies, LLC respectfully requests oral argument, currently scheduled on May 6, 2014. Pursuant to 37 C.F.R. § 42.70, Patent Owner specifies the following issues to be argued:

1. Whether claims 1, 2, 4, and 5 of U.S. Patent No. 5,191,573 ("the '573 Patent") are anticipated under 35 U.S.C. § 102 by the asserted CompuSonics publications.
2. Whether there was anticipatory public use of the CompuSonics devices under 35 U.S.C. § 102.
3. Whether the uses of the CompuSonics devices were experimental under *City of Elizabeth v. Am. Nicholson Pavement Co.*, 97 U.S. 126 (1877) and *EZ Dock, Inc. v. Schafer Sys., Inc.*, 276 F.3d 1347 (Fed. Cir. 2002).
4. Whether Exhibits 4112 and 4117 qualify as printed publications within the meaning of 35 U.S.C. § 102.
5. Whether the Board possessed jurisdiction to initiate a review of the '573 Patent under 35 U.S.C. § 103.
6. Whether claims 1, 2, 4, and 5 of the '573 Patent are rendered obvious under 35 U.S.C. § 103 by the asserted CompuSonics publications.
7. Whether secondary considerations of commercial success, copying/imitation, praise, and long-felt need support a finding of nonobviousness.

8. Whether Petitioner's iTunes Music Store embodies the '573 Patent.

9. Whether a nexus exists between the commercial success of the iTunes Music Store and the '573 Patent.

10. Whether a nexus exists between the commercial success of digital downloads of audio and video and the '573 Patent.

In the event any fees are required for this Request, please charge Deposit Account No. 15-0030 (Customer ID No. 22850).

Dated: April 4, 2014

Respectfully submitted,

By: /David R. Marsh/  
David R. Marsh, Ph.D.  
Kristan L. Lansbery, Ph.D.  
ARNOLD & PORTER LLP  
555 12th Street, N.W.  
Washington, DC 20004  
Tel: (202) 942-5068  
Fax: (202) 942-5999

*Attorneys for Patent Owner  
SightSound Technologies, LLC*

## CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing **PATENT OWNER'S REQUEST FOR ORAL ARGUMENT** was served on April 4, 2014 to the following Counsel for Petitioner via e-mail, pursuant to the parties' agreement concerning service:

J. Steven Baughman, Lead Counsel  
Ching-Lee Fukuda  
ROPES & GRAY LLP  
Prudential Tower  
800 Boylston Street  
Boston, Massachusetts 02199-3600  
[Steven.Baughman@ropesgray.com](mailto:Steven.Baughman@ropesgray.com)  
[Ching-Lee.Fukuda@ropesgray.com](mailto:Ching-Lee.Fukuda@ropesgray.com)  
[ApplePTABServiceSightSound@ropesgray.com](mailto:ApplePTABServiceSightSound@ropesgray.com)

*Attorneys for Petitioner Apple Inc.*

/David R. Marsh/  
David R. Marsh (Atty. Reg. No. 41,408)  
ARNOLD & PORTER LLP  
555 12<sup>th</sup> Street, N.W.  
Washington, D.C. 20004  
Tel: (202) 942-5068  
Fax: (202) 942-5999