

Filed on behalf of:

Patent Owner SightSound Technologies, LLC

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,

Petitioner,

v.

SIGHTSOUND TECHNOLOGIES, LLC,

Patent Owner.

Case CBM2013-00023

Patent 5,966,440

PATENT OWNER'S REQUEST FOR ORAL ARGUMENT

Pursuant to the Board's April 2, 2014 Revised Scheduling Order (Paper 60), 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, 64, and 95 of U.S. Patent No. 5,966,440 ("the '440 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 4315 and 4320 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 '440 Patent under 35 U.S.C. § 103.
6. Whether claims 1, 64, and 95 of the '440 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 '440 Patent.

9. Whether a nexus exists between the commercial success of the iTunes Music Store and the '440 Patent.

10. Whether a nexus exists between the commercial success of digital downloads of audio and video and the '440 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,

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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:

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