

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner

v.

SMARTFLASH LLC,
Patent Owner

Case CBM2015-00031¹
Patent 8,336,772 B2

Before the Honorable JENNIFER S. BISK, RAMA G. ELLURU, GREGG I. ANDERSON, and MATTHEW R. CLEMENTS, *Administrative Patent Judges*.

PETITIONER'S REQUEST FOR ORAL HEARING

Pursuant to 37 C.F.R. § 42.70(a), requiring a separate paper requesting oral hearing and specifying issues to be argued, Petitioner Apple Inc. ("Apple") submits this Request for Oral Hearing on the instituted grounds of unpatentability for claims 1, 5, 8, and 10 (all of the instituted claims) of U.S. Patent No. 8,336,772 under 35 U.S.C. § 101 and associated issues. The Board scheduled the Oral Hearing in this proceeding filed by Apple for January 6, 2016, along with Oral

¹ Challenge to claims 5 and 10 based on 35 U.S.C. § 101 in CBM2015-00059 has been consolidated with this proceeding.

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Hearings in CBM2015-00032 filed by Apple (consolidated with CBM2015-00059 involving petitioners Samsung Electronics America, Inc., Samsung Electronics Co., Ltd. (the “Samsung Petitioners”)) and CBM2015-00033 filed by Apple (consolidated with CBM2015-00059 involving the Samsung Petitioners) involving the same ‘772 patent; CBM2015-00028 filed by Apple (consolidated with CBM2015-00125 filed by petitioner Google Inc. (“Google”)) and CBM2015-00029 filed by Apple (consolidated with CBM2015-00125 filed by Google) involving related U.S. Patent No. 7,334,720; and CBM2014-00190 involving the Samsung Petitioners (consolidated with CBM2015-00118 filed by Apple) also involving the related ‘720 patent. *See* Paper 12 at 7; Paper 24 at 9; CBM2015-00028, Paper 26 at 2. Petitioner respectfully suggests that the oral arguments for all of these proceedings relating to these Smartflash patents that are now scheduled for January 6, 2016 be grouped and presented similarly to the oral arguments presented to the Board by Apple, the Samsung Petitioners, and Patent Owner on November 9, 2015 in connection with other Smartflash patents. In particular, Petitioner respectfully suggests that the proceedings involving Apple as the sole or lead petitioner—*i.e.*, CBM2015-00028, 29, and 31-33, together with consolidated proceedings CBM2015-00059 and -00125—be argued first as one group, and that the proceedings involving the Samsung Petitioners as lead petitioners—*i.e.*, CBM2014-00190, together with consolidated proceeding CBM2015-00118—next

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be argued separately as a second group. To account for the multiple proceedings taking place on the same day, as well as the expected number of counsel (including litigation counsel in related district court proceedings) and party representatives for each party, Petitioner further respectfully requests that, to the extent practicable, the Oral Hearings for each above-listed proceeding take place in Courtroom A.

Dated: November 19, 2015

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing PETITIONER'S REQUEST FOR ORAL HEARING was served on November 19, 2015, to the following Counsel for Patent Owner via e-mail, pursuant to the parties' agreement concerning service:

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