

Docket No. 388883US

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BLACKBERRY CORPORATION
Petitioner

v.

MOBILEMEDIA IDEAS LLC
Patent Owner

Case IPR2013-00016 (JYC)
Patent U.S. 6,441,828

PETITIONER'S REQUEST FOR ORAL ARGUMENT

Pursuant to the Board's March 18, 2013 Scheduling Order (Paper 17), Petitioner BlackBerry Corporation respectfully requests oral argument, currently scheduled on October 18, 2013. Pursuant to 37 C.F.R. § 42.70, Petitioner specifies the following issues to be argued:

1. Whether MMI's motion to amend is non-compliant for failing to comply with the Board's Order of May 16, 2013, which states, "MobileMedia must explain how the proposed substitute claims obviate the grounds of unpatentability authorized in this trial, and why they are patentable over the prior art of record." (Paper 20, 3.)

2. Whether MMI's motion to amend is non-complaint because it fails to provide a claim construction, even though the Order of May 16, 2013 states that MMI "should include a claim construction of the proposed substitute claims." (Paper 20, 3.)

3. Whether MMI's motion to amend is non-compliant with respect to substitute claims 20-23 because they do not either include or narrow each feature of the challenged claim being replaced, in violation of 37 C.F.R. § 42.121(a)(2).

4. Whether substitute claim 19 is indefinite under 35 U.S.C. § 112 ¶ 2 because (a) the term "means for determining ..." still invokes § 112 ¶ 6 and (b) the

'828 patent does not describe an algorithm for performing the claimed function of “determining ...”.

5. Whether substitute claim 19 lacks written-description support in the specification under 35 U.S.C. § 112 ¶ 1.

6. Whether substitute claim 21 is indefinite under 35 U.S.C. § 112 ¶ 2.

7. Whether substitute claim 21 lacks written-description support in the specification under 35 U.S.C. § 112 ¶ 1.

8. Whether substitute claim 23 lacks written-description support in the specification under 35 U.S.C. § 112 ¶ 1.

9. Whether, in the event that the Board determines that the term “means for determining ...” no longer invokes § 112 ¶ 6, substitute claim 19 impermissibly enlarges the scope of original claim 6 because (a) claim 19 recites a “position sensor,” whereas the corresponding structure in claim 6 is a “position detection switch” or (b) claim 19 does not include structure to perform the function of “determining a direction ... according to [1] a posture ... and [2] information on a direction ... read from the recording medium.”

10. Whether substitute claims 19-22 are unpatentable under 35 U.S.C. § 103 as obvious over Anderson (Ex. 1002) in view of Fullam (Ex. 1008) and Williams (Ex.1009).

11. Whether substitute claim 23 is unpatentable under 35 U.S.C. § 103 as obvious over Anderson, Fullam, Williams, and FlashPoint (Ex. 1012).

12. Whether substitute claims 19-22 are unpatentable under 35 U.S.C. § 103 as obvious over Nagasaki (Ex. 1004) in view of Kagle (Ex. 1005), Fullam (Ex. 1008), and Williams (Ex. 1009).

13. Whether substitute claim 23 is unpatentable under 35 U.S.C. § 103 as obvious over Nagasaki in view of Kagle, Fullam, Williams, and FlashPoint (Ex. 1012).

* * *

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

Respectfully submitted,

Customer Number: 22850

/Robert C. Mattson/
Robert C. Mattson, Reg. # 42,850

CERTIFICATE OF SERVICE

I hereby certify that, on September 9, 2013, I caused a true and correct copy of the foregoing PETITIONER'S REQUEST FOR ORAL ARGUMENT to be served electronically on the following:

MMI-USPTO-Comm@Proskauer.com

/Robert C. Mattson/
Robert C. Mattson, Reg. #42,850