

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CONOPCO, INC. dba UNILEVER
Petitioner

v.

THE PROCTOR & GAMBLE COMPANY
Patent Owner

Patent No. 6,451,300
Case No. IPR2013-00509

PETITIONER'S REQUEST FOR ORAL ARGUMENT

IPR2013-00509
Petitioner's Request for Oral Argument

On February 12, 2014, the Board entered a Decision to Institute a trial in the following proceedings: IPR2013-00505 (Paper 9) and IPR2013-00509 (Paper 10). The two proceedings involve patents covering related subject matter and similar asserted prior art. A Scheduling Order issued in each case set the date for oral argument, if requested, as November 7, 2014.

In accordance with 37 C.F.R. § 42.70(a) and the Board's Orders entered on May 28, 2014 (IPR2013-00505, Paper 21; IPR2013-00509, Paper 24), Petitioner, Conopco, Inc. dba Unilever ("Petitioner"), respectfully requests the opportunity to present oral argument as scheduled for November 7, 2014. In order to promote efficiency and the just, speedy, and inexpensive resolution of the proceedings, Petitioner requests a merged oral hearing covering both Case Nos. IPR2013-00505 and IPR2013-00509. It is Petitioner's understanding that Patent Owner also agrees to a merged oral hearing for these two cases, although Patent Owner will propose less time for argument than Petitioner.

Petitioner requests 90 minutes to address all issues raised in the parties' filings in both matters, including but not limited to the following:

- Whether claims 1-12, 15, 17-19, 23, 26, 28-30, and 32 of U.S. Patent No. 6,974,569 ("the '569 patent") are patentable over the asserted art

and grounds of unpatentability upon which *inter partes* review has been instituted in Case No. IPR2013-00505.

- Whether claims 1-5, 11-13, 16-20, 24, and 25 of U.S. Patent No. 6,451,300 (“the ’300 patent”) are patentable over the asserted art and grounds of unpatentability upon which *inter partes* review has been instituted in Case No. IPR2013-00509.
- Any issues specified by any request for oral argument submitted by Patent Owner The Proctor & Gamble Company (“Patent Owner”).
- Whether any pending motions filed by Petitioner or Patent Owner in either case should be granted or denied.
- Any other issues the Board deems necessary for issuing a final written decision.

Petitioner bears the ultimate burden of proof that Patent Owner's claims at issue in Case Nos. IPR2013-00505 and IPR2013-00509 are unpatentable.

Petitioner therefore further requests that the oral argument be structured as follows:

Petitioner will open the hearing by presenting its case regarding the challenged claims for which the Board instituted trial for these two proceedings. After Petitioner's presentation, Patent Owner will argue its opposition to Petitioner's case in both proceedings. Petitioner may then use any time it reserved to rebut Patent Owner's opposition in both proceedings.

The oral argument structure set forth above has been utilized by the Board in similar circumstances involving a merged oral hearing of two proceedings. *See, e.g., Intel Corp. v. FuzzySharp Techs., Inc.*, IPR2014-00001 (PTAB Sept. 25, 2014, Paper 21), IPR2014-00002 (PTAB Sept. 25, 2014, Paper 21).

Petitioner further requests that the Board provide audio/visual equipment to display demonstrative exhibits, including the use of a projector and screen for displaying documents.

Respectfully submitted,

Dated: October 3, 2014

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