

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD; SAMSUNG
ELECTRONICS AMERICA, INC¹.

Petitioners,

v.

AFFINITY LABS OF TEXAS, LLC,

Patent Owner.

IPR2014-01181²

PATENT 8,532,641 B2

**PATENT OWNER'S REQUEST FOR
SUR-REBUTTAL AT ORAL ARGUMENT**

¹ On January 1, 2015, Samsung Telecommunications America, LLC, an originally-named Petitioner in this case, was merged into Samsung Electronics America, Inc. *See* IPR2014-01181, Paper 9.

² Case IPR2014-01182 and IPR2014-01184 were consolidated with IPR2014-01181. Paper 15 at 2.

The Board's Scheduling Orders entered January 30, 2015 (IPR2014-01181, Paper 11; IPR2014-01182, Paper 11; IPR2014-01184, Paper 11) set the date to request an oral hearing to September 21, 2015. During the September 21, 2015 telephone conference with the Board, Patent Owner and Petitioners verbally indicated their intent to request oral argument. On September 25, 2015 the Board issued an Order – Modifying Scheduling Order and Granting the Parties' Requests for Oral Argument scheduled Oral Argument for October 28, 2015 at 2:00 PM ET.

Patent Owner hereby requests the ability to reserve time for sur-rebuttal at Oral Argument set for October 28, 2015 as to the issue of the priority date for the '641 patent. There is no dispute between the parties that "entitlement to a priority date for any claim is a matter for which [the Patent Owner] bears the burden of proof." *See* IPR2014-01184, Corrected Petitioner, Paper 4 at 9-10. According, Patent Owner should be able to reserve time to present sur-rebuttal at Oral Argument regarding the priority date.

Dated: October 6, 2015

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of October, 2015, a copy of this PATENT OWNERS' REQUEST FOR SUR-REBUTTAL AT ORAL ARGUMENT has been served in its entirety by e-mail on the Petitioners:

For Samsung petitioners:

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