

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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**SYMANTEC CORPORATION**

Petitioner

v.

**THE TRUSTEES OF COLUMBIA UNIVERSITY  
IN THE CITY OF NEW YORK**

Patent Owner

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**Case IPR2015-00375  
Patent No. 8,074,115**

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**PATENT OWNER'S REQUEST FOR ORAL ARGUMENT**

*Mail Stop "PATENT BOARD"*  
Patent Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Case IPR2015-00375  
U.S. Patent No. 8,074,115

Patent Owner, The Trustees of Columbia University in the City of New York ("Columbia"), requests oral argument under 37 C.F.R. § 42.70 and the Board's June 3, 2015 Scheduling Order (Paper 14). Lead counsel for Columbia met and conferred with lead counsel for Petitioner and the parties agree that the hearings in IPR2015-00375 and IPR2015-00377 could be concluded in one half-day session and that each side should have 90 minutes collectively to present its case on both matters. Oral argument is currently scheduled for March 16, 2016. (Paper 16, Due Date 7.) Columbia requests a morning hearing time (9 a.m. EST) as feasible. Columbia also requests the ability to use audio-visual equipment for demonstrative exhibits, including the use of a projector and screen for PowerPoint slides.

Finally, Columbia requests the Board allow live testimony during the hearing for Columbia's expert witness, Dr. George Cybenko.<sup>1</sup> In its Reply, Petitioner incorrectly characterized numerous evidence (including new ones it raised for the first time). These include Dr. Goodrich's testimony regarding emulator (for which he provided little, if any, analysis in his original declaration), his citation for the first time a purported "combined model" disclosed by Agarwal, his newly theories on why a POSITA would have had reasons to combine models created on different computers or at different times as required by the claims, and

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<sup>1</sup> Petitioner states that it opposes the request.

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Symantec's attorney argument regarding the teaching of a new exhibit, Ex. 1016

(see Reply at 6). Dr. Cybenko can explain to the Board why Dr. Goodrich's and Petitioner's assertions were incorrect. Having Dr. Cybenko available to the Board for live testimony would provide the Board with the opportunity to address such technical disputes the Board may have.

Columbia specifies the following issues to be argued, without intent to waive consideration of any allowable issue not requested or raised by Petitioner:

1. Whether Claims 22, 25, 27-29, 32, 35-39 and 42 are anticipated by the Khazan reference
2. Whether Claims 1, 4-8, 11, 14-18, 21 and 26 are obvious in light of the Khazan reference and Arnold.
3. Whether Claims 2, 3, 9, 10, 12, 13, 19, 20, 23, 24, 30, 31, 33, 34, 40 and 41 are obvious in light of Khazan, Arnold and Agrawal.
4. In light of the U.S. Supreme Court's January 15, 2016 grant of certiorari in *Cuozzo Speed Technologies, LLC v. Lee*, No. 15-446, Columbia intends to argue at the oral hearing that the "broadest reasonable interpretation" ("BRI") standard for claim construction is not properly applied in these proceedings, and that the Board should disregard Dr. Goodrich's analysis with respect to all claims because it is based on the BRI standard and is inconsistent with the proper claim

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construction standard (*e.g.*, the standard set forth in *Phillips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005)).

5. Petitioner is the party with the burden of proof and will therefore present first at the oral hearing. Columbia will address any issues raised by Petitioner, or questions raised by the Board during Petitioner's presentation.

Dated: February 17, 2016

Respectfully submitted,

/s/ Hong Zhong

H. Annita Zhong, Reg. No. 66,530

Michael Fleming, Reg. No. 67,933

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**CERTIFICATE OF SERVICE**

Pursuant to 37 C.F.R. 42.6, the undersigned certifies that on February 17, 2016, a copy of the foregoing document was served upon the following, by  
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*/s/Susan M. Langworthy/*