

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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ALLSTEEL INC.  
Petitioner,

v.

DIRTT ENVIRONMENTAL SOLUTIONS LTD.  
Patent Owner.

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Case No. IPR2015-01691  
Patent No. 8,024,901  
Issue Date: September 27, 2011

Title: INTEGRATED RECONFIGURABLE WALL SYSTEM

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

Pursuant to the Board’s Scheduling Order (Paper 47) entered September 17, 2018, Patent Owner DIRTT Environmental Solutions Ltd. (“Patent Owner”) hereby requests an oral hearing on the issues set forth below at a time to be set by the Board. The Board has not yet scheduled oral argument on newly-instituted claims 8, 11, 13, and 21-23 on remand in view of *SAS Institute Inc. v. Iancu*, 138 S. Ct. 1348 (2018). Patent Owner prefers that the oral hearing be held in person rather than telephonically.

Patent Owner requests a one-hour hearing, with thirty minutes allotted each to Petitioner and Patent Owner. Patent Owner requests oral argument on the following issues raised by the parties’ supplemental filings:

1. Whether Petitioner has met its burden to prove that claim 8 is unpatentable for obviousness in view of Raith and Yu, and particularly (1) whether bracket 189-5 in Yu must be adapted to engage some surface of an L-shaped hook to form part of the claimed “generally L-shaped slot...adapted to receive and engage a substantially L-shaped hook,” (2) whether Petitioner in its reply brief has mischaracterized Patent Owner’s argument as requiring the L-shaped hook to engage “every” surface of the L-shaped hook, (3) whether the claim language “cantilever channel stringer” requires the L-shaped slots to be adapted to receive and engage the generally L-shaped hook in a cantilevered

fashion, and (4) whether Petitioner has failed to present any evidence that the combination of Raith and Yu teaches a “cantilevered channel stringer.”

2. Whether Petitioner has met its burden to prove that claims 11 and 13 are unpatentable for obviousness in view of Raith and EVH, and particularly (1) whether Petitioner’s argument and evidence that the combination of Raith and EVH teaches the claimed “structural extrusion” is an improper and untimely attempt to make out a prima facie case of unpatentability not presented in the Petition by relying on arguments and evidence submitted with the Petition directed solely to claim 15, on subsequent deposition testimony about extruding EVH’s vertical frames (not Raith’s), and on untimely and conclusory declaration testimony, and (2) whether Petitioner has met its burden to demonstrate that it would have been obvious to modify the roll-formed vertical posts of Raith to be structural extrusions, particularly when an object of Raith is “*to eliminate to a significant extent the use of high cost metal extrusions.*”

3. Whether Petitioner has met its burden to prove that claims 21 – 23 are unpatentable for obviousness in view of Raith and MacGregor, and particularly (1) whether MacGregor teaches extending the depth of a vertical end frame, (2) whether Petitioner’s argument made for the first time in its reply brief that the combination of Raith and MacGregor teaches extending the depth of a vertical end frame because the depths of the walls in each of those references vary is

improper because it attempts to make out a *prima facie* case of unpatentability that was not presented either in the Petition or even in Petitioner's supplemental brief, and (3) whether Petitioner has presented evidence that vertical end frames of Raith and MacGregor have different depths and that the combination of those references teaches extending the depth of a vertical end frame when neither reference contains any dimensions concerning the depths of their respective walls.

4. The admissibility and/or permissibility of any evidence or argument that is used to attempt to support a theory of unpatentability that was not presented in the Petition.

Dated: December 19, 2018

Respectfully submitted,

By           /Chad E. Nydegger/          

Chad E. Nydegger, Reg. No. 61,020  
Michael J. Frodsham, Reg. No. 48,699  
David R. Todd, Reg. No. 41,348  
WORKMAN NYDEGGER  
60 East South Temple, Suite 1000  
Salt Lake City, UT 84111  
Telephone: 801-533-9800  
Facsimile: 801-328-1707

Attorneys for Patent Owner

## CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6, I hereby certify that on this 19th day of December, 2018, I caused the foregoing **Patent Owner's Request for Oral Argument** to be served by electronic mail on the following counsel of record for Petitioner:

Victor P. Jonas  
Nicholas M. Anderson  
Timothy Sullivan  
FAEGRE BAKER DANIELS  
2200 Wells Fargo Center  
90 S. Seventh St.  
Minneapolis, MN 55402  
victor.jonas@faegrebd.com  
nick.anderson@faegrebd.com  
timothy.sullivan@faegrebd.com

Trevor Carter  
FAEGRE BAKER DANIELS  
300 N. Meridian Street, Suite 2700  
Indianapolis, IN 46204  
trevor.carter@faegrebd.com

/Chad E. Nydegger/

Chad E. Nydegger, Reg. No. 61,020