

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner

v.

REALTIME DATA, LLC D/B/A/ IXO,
Patent Owner

Case IPR2016-01738
Patent 8,880,862

**PATENT OWNER REALTIME DATA, LLC D/B/A IXO'S
REQUEST FOR ORAL ARGUMENT**

Pursuant to 37 C.F.R. § 42.70 and the October 24, 2017 Order (Paper 36) setting Oral Argument for January 8, 2018, Patent Owner Realtime Data, LLC d/b/a IXO hereby requests that the Patent Trial and Appeal Board hear oral argument on the following issues:

- 1) Whether Petitioner Apple Inc. has met its burden of proving claims 8-12, 14-22, 59-82, 101-104, 114-115, and 117 of U.S. Patent No. 8,880,862 (“the ‘862 Patent”) are unpatentable under 35 U.S.C. § 103(a) over U.S. Patent No. 5,860,083 (“Sukegawa”) and U.S. Patent No. 6,145,069 (“Dye”);
- 2) Whether Petitioner has met its burden of proving claims 8-12, 14-22, 59-82, 101-104, 114-115, and 117 of the ‘862 Patent are unpatentable under 35 U.S.C. § 103(a) in view of Sukegawa, Dye, and U.S. Patent No. 6,374,353 (“Settsu”);
- 3) Whether Petitioner has met its burden of proving claims 8-12, 14-22, 59-82, 101-104, 114-115, and 117 of the ‘862 Patent are unpatentable under 35 U.S.C. § 103(a) in view of Sukegawa, Dye, and Michael Burrows et al., *On-line Data Compression in a Log-structured File System* (1992) (“Burrows”);
- 4) Whether Petitioner has met its burden of proving claims 8-12, 14-22, 59-82, 101-104, 114-115, and 117 of the ‘862 Patent are unpatentable

- under 35 U.S.C. § 103(a) in view of Sukegawa, Dye, Settsu, and Burrows;
- 5) Whether Petitioner has met its burden of proving claims 8-12, 14-22, 59-82, 101-104, 114-115, and 117 of the '862 Patent are unpatentable under 35 U.S.C. § 103(a) in view of Sukegawa, Dye, and U.S. Patent No. 6,317,818 (“Zwiegincew”);
 - 6) Whether to grant Patent Owner’s Motion to Amend under 35 U.S.C. § 316(d) with respect to contingent substitute claims 174-218 in the event that the Board finds independent claims 8, 11, and/or 14 unpatentable;
 - 7) Whether Petitioner’s Exhibits 1038, 1040, and 1043 should be excluded from evidence;
 - 8) Any subsidiary issue relevant to issues (1) to (7), including, without limitation, claim construction, assessment of evidence, and admissibility of evidence; and
 - 9) Any other issues the Board deems necessary for issuing a final written decision.

Patent Owner also respectfully requests the ability to use audio visual equipment to display demonstrative exhibits, including the use of a projector and screen that connects to a laptop computer. Patent Owner also requests that an ELMO-type projector be made available for use.

Respectfully Submitted,

Date: December 8, 2017

/Joseph F. Edell/

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