

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTEL CORP., CAVIUM, LLC, and DELL INC.,
Petitioners,

v.

ALACRITECH, INC.,
Patent Owner.

Case IPR2018-00234¹
U.S. Patent No. 8,805,948

**PETITIONER'S REQUEST FOR
ORAL ARGUMENT PURSUANT TO 37 C.F.R. § 42.70(a)**

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

¹ Cavium LLC (formerly Cavium, Inc.), which filed a Petition in Case IPR2018-00403, and Dell Inc., which filed a Petition in Case IPR2018-01307, have been joined as petitioners in this proceeding.

Pursuant to 37 C.F.R. § 42.70(a), Petitioner respectfully requests oral argument on the issues set forth below. Oral argument is presently scheduled for March 4, 2019. (Scheduling Order, Paper 8). Petitioner requests 1 hour (2 hours in total if Patent Owner also is allotted 1 hour) for all 3 IPRs (IPR2018-00226, IPR2018-00234, IPR2018-00401) being heard at the Oral Argument. Petitioner further requests that the hearing be split into two sessions, where 20 minutes per side (40 minutes in total) is closed to the public to allow for presentation of PETITIONER'S RESTRICTED – ATTORNEY'S EYES ONLY material related to real parties-in-interest. To accommodate this, Petitioner requests that the Board implement a procedure similar to that adopted in *Baker Hughes Incorporated v. LiquidPower Specialty Products, Inc.*, IPR2016-00734, Paper 68 (PTAB May 31, 2017) and in *Snap-On Inc. v. Milwaukee Electric Tool Corp.*, IPR2015-01242, Paper 59 (Aug. 18, 2016), in which the hearing room was closed to the public for a portion of the hearing to allow for the presentation of confidential information.

Petitioner respectfully requests oral argument on all instituted grounds and all related issues, specifically:

- I. Whether claims 1, 3, 6-8, 17, 19, and 21-22 of the 948 Patent are unpatentable as obvious over Thia, Tanenbaum96 and Steven2, under 35 U.S.C. § 103.

- II. Whether the Petition was filed more than one year after the date on which alleged real parties-in-interest were served with a complaint alleging infringement of the 948 Patent.
- III. Whether the Petition correctly named all real parties-in-interest.
- IV. Respond to Patent Owner's presentation on all matters.
- V. Any issues specified by Patent Owner in a Request for Oral Argument.
- VI. Any other issues the Board deems necessary for issuing a final written decision.

Dated: January 28, 2019

Respectfully submitted,

/s/ Garland T. Stephens

Garland T. Stephens, Reg. No. 37,242

Justin L. Constant, Reg. No. 66,883

Weil, Gotshal & Manges LLP

700 Louisiana, Suite 1700

Houston, TX 77002

Tel: (713) 546-5000

Fax: (713) 224-9511

garland.stephens@weil.com

justin.constant@weil.com

Anne M. Cappella, Reg. No. 43,217

Adrian Percer, Reg. No. 46,986

Amanda Branch (admitted pro hac vice)

Weil, Gotshal & Manges LLP

201 Redwood Shores Parkway

Redwood Shores, CA 94065

Tel: (650) 802-3000
Fax: (650) 802-3100
anne.cappella@weil.com
adrian.percer@weil.com
amanda.branch@weil.com

William S. Ansley, Reg. No. 67,828
Weil, Gotshal & Manges LLP
2001 M Street, N.W, Suite 600
Washington, DC 20036
Tel: (202) 682-7000
Fax: (202) 857-0940
sutton.ansley@weil.com

Attorneys for Petitioner Intel Corporation

CERTIFICATE OF SERVICE

I hereby certify that on January 28, 2019, a copy of **PETITIONER'S REQUEST FOR ORAL ARGUMENT PURSUANT TO 37 C.F.R. § 42.70(a)** was served by filing this document through the PTAB's E2E Filing System as well as delivering a copy via electronic mail upon the following:

James M. Glass
Registration No. 46,729
Quinn Emanuel Urquhart & Sullivan LLP
51 Madison Ave., 22nd Fl.
New York, NY 10010
Tel.: (212) 849-7000
Email: jimglass@quinnemanuel.com

Joseph M. Paunovich
Registration No. 59,033
Quinn Emanuel Urquhart & Sullivan LLP
865 S. Figueroa Street, 10th Fl.
Los Angeles, CA 90017
Tel.: (213) 443-3000
Email: joepaunovich@quinnemanuel.com

Brian E. Mack
Registration No. 57,189
Quinn Emanuel Urquhart & Sullivan LLP
50 California Street, 22nd Fl.
San Francisco, CA 94111
Tel.: (415) 875-6600
Email: brianmack@quinnemanuel.com

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.