

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SIRIUS XM RADIO INC.,
Patent Owner,

v.

FRAUNHOFER-GESELLSCHAFT ZUR FÖRDERUNG DER
ANGEWANDTEN FORSCHUNG E.V.,
Patent Owner.

Case IPR2018-00690
Patent No. 6,314,289

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

Fraunhofer (“Patent Owner”) respectfully requests an oral hearing in this matter. Per the Scheduling Order (Paper 30), Patent Owner understands that oral argument in IPR2018-00690 will be held on May 19, 2020.

Patent Owner further requests 45 minutes of total argument time per side to present its arguments in IPR2018-00690. Patent Owner specifies the following issues to be argued (without intent to waive consideration of any allowable issue not requested or raised):

1. The patentability of challenged claims 1-15, 17-33 and 35 of the ‘289 patent over all grounds asserted in the Petition.
2. Whether Petitioner has met its burden of proving Campanella and Smallcomb are prior art.
3. Whether Petitioner has met its burden of proving Chen discloses all asserted elements of the challenged claims, including (a) a partitioner or partitioning, and (b) an encoder arranged to output two portions of output bits.
4. Whether Petitioner has met its burden of proving Smallcomb discloses all asserted elements of the challenged claims, including an encoder arranged to output two portions of output bits.
5. Whether Petitioner has met its burden of proving that it would have been obvious for a person of ordinary skill in the art at the time of the

invention to modify the cited references to utilize the specific generator polynomials recited by dependent claims 7 and 24.

6. Whether Petitioner has met its burden of proving that its proposed combinations and modifications of the cited references would have been obvious to a person of ordinary skill in the art at the time of the invention.
7. Exclusion of new arguments and evidence belatedly presented in the Petitioner's Reply, to the extent unresolved via pre-hearing conference, or resolution of those new issues on their merits based on the arguments and evidence identified in Patent Owner's Sur-Reply.
8. Responding to any issues specified by Petitioner in its request for oral argument in IPR2018-00690 or otherwise presented by Petitioner.
9. Any other relevant issues raised in papers filed in this proceeding, including issues raised in papers yet to be filed.
10. Any additional issues on which the Board seeks clarification.

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

Patent Owner requests the ability to use audio/visual equipment to display demonstrative exhibits, including the use of a computer, projector, and screen for a PowerPoint display. In accordance with the Trial Practice Guide (77 Fed. Reg. at 48768) and Section II.M of the Consolidated Trial Practice Guide (2019), Patent Owner will contact the Board Trial Division paralegal to discuss this request.

Date: April 7, 2020

Respectfully submitted,

/Ben J. Yorks/

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6, the undersigned certifies that on April 7, 2020, a copy of the foregoing document **PATENT OWNER'S REQUEST FOR ORAL ARGUMENT** was served, by electronic mail, as agreed to by the parties, upon the following:

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