

UNITED STATES PATENT AND TRADEMARK OFFICE

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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RIMFROST AS

Petitioner

v.

AKER BIOMARINE ANTARCTIC AS

Patent Owner

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IPR2018-01178

U.S. Patent No. 9,375,453 B1

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**PETITIONER'S**

**REQUEST FOR ORAL ARGUMENT**

Pursuant to 37 C.F.R § 42.70, the Scheduling Order dated January 14, 2019 (Paper 8), and the email from Trials dated September 6, 2019, Petitioner Rimfrost AS respectfully requests oral argument in connection with IPR2018-01178 and IPR-01179, currently scheduled for October 16, 2019, in the Silicon Valley USPTO, 26 S. Fourth Street, San Jose, CA 95113, (408) 918-9900. Petitioner requests sixty (60) minutes in which to present its arguments regarding its Petition (Paper 2) and its Opposition to Patent Owner's Motion to Amend (Paper 11). Petitioner also requests that the court reporter be present in the hearing room.

In accordance with 37 C.F.R § 42.70 and without intending to waive any issue not specifically identified, Petitioner specifies the following issues to be argued:

1. That the claims of U.S. Patent No. 9,375,453 B1 are not patentable over the applied art on the grounds presented in the Petition as summarized in Table I below.

TABLE 1			
Ground	References	Basis	9,375,453 B1 Claims Challenged
1	Breivik II, Catchpole, Bottino II, and Sampalis I	35 U.S.C. § 103(a)	1-3, 5-10, 12, 14-17, 19-20, 23-26, 28, 30-32
2	Breivik II, Catchpole, Bottino II, Sampalis I, and Sampalis II	35 U.S.C. § 103(a)	4
3	Breivik II, Catchpole, Bottino II, Sampalis I, and Fricke	35 U.S.C. § 103(a)	11, 18, 21, 27

4	Breivik II, Catchpole, Bottino II, Sampalis I, and Randolph	35 U.S.C. § 103(a)	13, 22, 29
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2. That Patent Owner's ("PO's") Motion to Amend the Claims ("MTA") (Paper 11) be denied as the proposed substitute claims are not patentable over the applied art on the grounds presented in the Petition and in Petitioner's Opposition to PO's MTA (Paper 19) and Petitioner's Sur-Reply to PO's Reply to Petitioner's Opposition to PO's MTA (Paper TBD) and as summarized in Table II below. (The proposed substitute claim is followed by the claim, in italics, it amends/substitutes.)

TABLE II			
Ground	References	Basis	9,375,453 B1 Amended Claims Challenged Amended Claim (Original No.)
5	Yoshitomi, Catchpole, Bottino II, Sampalis I, Sampalis II, Randolph and NKO (Applicant Admitted Prior Art)	35 U.S.C. § 103(a)	62(1), 63(2), 64(3), 66(5), 67(6), 68(7), 69(8), 70(9), 71(10), 73(12)
6	Yoshitimi, Catchpole, Bottino II, Sampalis I, Sampalis II, Randolph and NKO (Applicant Admitted Prior Art)	35 U.S.C. § 103(a)	65(4)
7	Yoshitomi, Catchpole, Bottino II, Sampalis I, Sampalis II, Fricke,	35 U.S.C. § 103(a)	72(11)

	Randolph and NKO (Applicant Admitted Prior Art)		
8	Yoshitomi, Catchpole, Bottino II, Sampalis I, Sampalis II, Randolph and NKO (Applicant Admitted Prior Art)	35 U.S.C. § 103(a)	74(13)

3. That a POSITA would have been motivated to combine the applied references and would have had a reasonable expectation of success in so doing.

4. Any issues raised by Patent Owner in its Request for Oral Argument.

5. Rebuttal to Patent Owner's oral argument and presentation on all matters.

5. Any objections to evidence, and any motions to exclude and oppositions thereto.

6. Any other issues that the Board deems necessary for issuing a final written decision.

Petitioner respectfully requests that the Board make available audio-visual equipment, including a projector to be connected to a laptop, an ELMO and an easel, to display demonstrative exhibits and documents of record.

Dated: September 10, 2019

Respectfully submitted,

/james f. harrington/

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*First Back-Up Counsel for Petitioner*

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