

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RIMFROST AS
Petitioner,

v.

AKER BIOMARINE ANTARCTIC AS
Patent Owner.

Case IPR2018-01178
U.S Patent No. 9,375,453

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

Pursuant to 37 C.F.R. § 42.70, the Board's Scheduling Order dated January 14, 2019 (Paper 8), and the email from Trials dated September 6, 2019, Patent Owner respectfully requests an oral argument in connection with IPR2018-01178 and IPR2018-01179, scheduled for October 16, 2019, in the Silicon Valley USPTO, 26 S. Fourth Street, San Jose, CA 95113, (408) 918-9900. Patent Owner requests sixty (60) minutes total in which to present its arguments.

ISSUES TO BE ARGUED:

1. The Board should adopt the claim construction positions advanced by Aker.
2. Petitioner's failure to prove that any of claims 1-32 are obvious over the combinations of references in the following Table:

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
---	---	--------------------	------------

3. Patent Owner's Motion to Amend the Claims and Petitioner's failure to demonstrate that contingent substitute claims 62-74 are obvious on the following grounds:

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)

4. The content of the prior art at issue.
5. The state of the art at the time of the claimed inventions.
6. The lack of motivation to combine the proposed obviousness references to arrive at the claimed processes as well the lack of a reasonable expectation of success.
7. Any subsidiary issue relevant to issues (1) to (6), including, without limitation, claim construction, assessment of evidence, and admissibility of evidence or arguments;
8. Any issues raised by Petitioner's request for oral argument.
9. Rebuttal to Petitioner's presentation on all matters.

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

IPR2018-01178

U.S Patent No. 9,375,453

Dated: September 16, 2019

Respectfully submitted,

/David Casimir/
David A. Casimir
Reg. No. 42,395
Lead Counsel for Patent Owner
Casimir Jones S.C.
2275 Deming Way, Ste. 310
Middleton, WI 52528
Tel: 608-662-1277
Fax: 608-662-1276

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.