

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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INTUITIVE SURGICAL, INC.

Petitioner

v.

ETHICON LLC

Patent Owner

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Case IPR2018-01248  
U.S. Patent No. 8,479,969

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**PETITIONER'S REQUEST FOR ORAL ARGUMENT**

Pursuant to 37 C.F.R. § 42.70(a) and the Scheduling Order (Paper 9),  
Petitioner submits this Request for Oral Argument on all of the instituted grounds  
of unpatentability of U.S. Patent No. 8,479,969. Requests for Oral Argument in  
related IPR proceedings (IPR2018-01247 and IPR2018-01254), which also  
concerns the '969 Patent, are being filed on this same day.

At present, Oral Hearings for IPR2018-01247 and IPR2018-01254 are  
scheduled for September 18, 2019 (*See* PTAB's Revised Scheduling Orders of  
February 12, 2019 (Paper 11 in each of those proceedings)) and the Oral Hearing  
for IPR2018-01248 is scheduled for October 17, 2019 (*See* PTAB's Scheduling  
Order of February 7, 2019 (Paper 9)).

Given the overlapping subject matter and the common patent, Petitioner  
requests that all three proceedings concerning the '969 Patent be consolidated and  
held on October 17, 2019.

Petitioner requests 75 minutes for each side to present arguments  
collectively for this proceeding and the two related proceedings.

With regard to this particular proceeding, Petitioner requests (without  
waiving consideration of any issue not listed below) to address the following  
issues:

1. Whether claims 23-26 are anticipated by Prisco;
2. Whether claims 23-26 are obvious over Prisco in view of Cooper;

3. Whether claims 23-26 are obvious over Prisco in view of Cooper and Tierney;
4. Whether claims 25-26 are obvious over Prisco in view of Cooper, Wallace and Tierney;
5. Rebuttal to Patent Owner's presentation on all matters; and
6. Any additional issues on which the Board seeks clarification.

Petitioner 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. Petitioner's counsel will use a laptop computer with a VGA-type connector. In addition, Petitioner requests that an ELMO-type projector be made available for use.

Respectfully submitted,

Dated: August 23, 2019

/Steven R. Katz/

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**CERTIFICATE OF SERVICE**

Pursuant to 37 CFR §§ 42.6(e)(1) and 42.6(e)(4)(iii), the undersigned certifies that on August 23, 2019, a complete and entire copy of this Petitioner's Request for Oral Argument was provided via email to the Patent Owner by serving the email correspondence addresses of record as follows

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