

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RIMFROST AS

Petitioner

v.

AKER BIOMARINE ANTARCTIC AS

Patent Owner

IPR2018-01730

U.S. Patent No. 9,072,752

PETITIONER'S

REQUEST FOR ORAL ARGUMENT

PETITIONER'S REQUEST FOR ORAL ARGUMENT

Pursuant to 37 C.F.R § 42.70, the Scheduling Order and follow up Order dated March 12, 2019 (Paper 8) and June 4, 2019 (Paper 11), respectively, Petitioner Rimfrost AS respectfully requests oral argument in connection with IPR2018-01730, currently scheduled for Monday, December 9, 2019 at 1:00 PM CST in the Texas Regional Office, Terminal Annex Federal Building, 207 S. Houston Street, Dallas, Texas 75202. 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 12). 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. 9,072,752 are not patentable over the applied art on the grounds presented in the Petition as summarized in Table I below.

TABLE I			
Ground	Reference(s)	Basis	Claims Challenged
1	Catchpole	35 U.S.C. § 102(e)	1, 5-6, 11
2	Catchpole and Sampalis II	35 U.S.C. § 103(a)	4, 7, 12-13
3	Catchpole, Grynbaum and Randolph	35 U.S.C. § 103(a)	8-10
4	Catchpole and Enzymotec	35 U.S.C. § 103(a)	1-3, 5-6, 11
5	Catchpole, Enzymotec and Sampalis II	35 U.S.C. § 103(a)	14-16, 20
6	Catchpole, Enzymotec, Sampalis II, Grynbaum and Randolph	35 U.S.C. § 103(a)	17-19

2. That Patent Owner's ("PO's") Motion to Amend the Claims ("MTA") (Paper 12) be denied as the proposed substitute claims are not patentable over the applied art on the grounds presented in the Petition, 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	Reference(s)	Basis	Amended Claims Challenged (Original Claims)
7	Catchpole, NKO (AAPA), Sampalis II and Randolph	35 U.S.C. § 103(a)	21(1), 24(4), 25(11), 26(12), 27(13)
8	Catchpole, Enzymotec, NKO (AAPA), Sampalis II and Randolph	35 U.S.C. § 103(a)	22(2), 23(3), 25(11), 28(14), 29(20)
9	Catchpole, Enzymotec, NKO (AAPA), Sampalis II and Randolph	35 U.S.C. § 103(a)	21(1), 22(2), 23(3), 24(4), 25(11), 26(12), 27(13), 28(14), 29(20)

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 and an ELMO, to display demonstrative exhibits and documents of record.

Dated: November 12, 2019

Respectfully submitted,

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