

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RIMFROST AS
Petitioner,

v.

AKER BIOMARINE ANTARCTIC AS
Patent Owner.

Case IPR2018-01730
U.S Patent No. 9,072,752

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 March 12, 2019 (Paper 8) and the follow up Order dated June 4, 2019 (Paper 11), Patent Owner respectfully requests an oral argument in connection with IPR2018-01730 on U.S. Pat. No. 9,072,752, 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. 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 Patent Owner.
2. Petitioner's failure to prove that any of claims 1-20 are anticipated or obvious over the references or combinations of references in the following Table:

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

3. Patent Owner's Motion to Amend the Claims and Petitioner's failure to demonstrate that contingent substitute claims 21-29 are obvious on the following grounds:

TABLE I			
Ground	Reference(s)	Basis	Claims Challenged
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, NKO (AAPA), Sampalis II and Randolph	35 U.S.C. § 103(a)	22(2), 23(3), 25(11), 28(14), 29(20)
9	Catchpole, 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)

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.

Dated: November 15, 2019

Respectfully submitted,

/David Casimir/

David A. Casimir

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Lead Counsel for Patent Owner

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 15th day of November 2019, a copy of the foregoing **Patent Owner's Request for Oral Argument** was served in their entirety electronically (as consented to by Petitioner) to the attorneys of record as follows:

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