

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FITBIT, INC.,

Petitioner,

v.

PHILIPS NORTH AMERICA LLC,

Patent Owner.

Case IPR2020-00783¹
Patent 7,088,233 B2

PATENT OWNER'S REQUEST FOR ORAL ARGUMENT

¹ Garmin International, Inc., Garmin USA, Inc., and Garmin Ltd., who filed a petition in IPR2020-00910, has been joined as petitioner in this proceeding.

In accordance with 37 C.F.R. § 42.70(a) and the Scheduling Order dated October 27, 2020 (Paper 13), Patent Owner Philips North America LLC (“Philips” or “Patent Owner”) respectfully requests the opportunity to present oral argument on the issues identified in the Decision Instituting Inter Partes Review (Paper 15) (e.g., the alleged unpatentability of claims 1, 7-10, 13-16, 22, 24-25 of the ‘233 patent (EX1001) based on Grounds 1-7), as presented in the Petition filed by Fitbit, Inc. (“Fitbit”) on April 8, 2020 in this proceeding (Paper 1); the Petition filed by Garmin International, Inc., Garmin USA, Inc., and Garmin Ltd. in IPR2020-00910 (Paper 1); Patent Owner’s Response filed January 19, 2020 (Paper 17); Fitbit’s Reply filed April 13, 2021 (Paper 22); and Patent Owner’s Sur-Reply filed May 25, 2021 (Paper 24). Patent Owner also requests oral hearing on any issues raised by Petitioner in any Request for Oral Hearing, any procedural or evidentiary issues raised by the parties, and any additional issues or questions raised by the Board or the parties before or during the oral argument.

Patent Owner requests 60 minutes total to address all the issues involved in this proceeding. *See* PTAB Consolidated Trial Practice Guide, Nov. 2019 Ed., 81-82 (“Practice Guide”) (“The Board expects to ordinarily provide for an hour of argument per side for a single proceeding, but a party may request more or less time depending on the circumstances of the case.”). To the extent the Board schedules

the hearing to last more than 120 minutes total, however, Patent Owner requests that it should be given half the length of the hearing to address these issues. Patent Owner also requests authorization to use audio/visual equipment and/or software to display demonstrative exhibits during the Oral Argument, e.g., via PowerPoint.

Pursuant to the Scheduling Order, Philips understands that Oral Argument is currently scheduled for July 29, 2021 (Paper 13, Due Date 8).

To the extent circumstances allow, Patent Owner requests to participate live, in-person at the Oral Argument. However, if the Office's notice regarding oral hearings occurring after March 13, 2020 remains in effect, then Patent Owner is available to participate via remote video and/or telephonically.

Date: June 15, 2021

Respectfully submitted,

/George C. Beck/

George C. Beck

Registration No. 38,072

Counsel for Patent Owner

CERTIFICATE OF SERVICE

The undersigned certifies that copies of the foregoing Patent Owner Request for Oral Argument is being served on June 15, 2021, by filing this document through the Patent Trial and Appeal Board End-to-End (E2E) system as well as delivering copies via email to the following counsel for the Petitioners:

Naveen Modi (PH-Fitbit-Philips-IPR@paulhastings.com)
Yar R. Chaikovsky (PH-Fitbit-Philips-IPR@paulhastings.com)
Joseph E. Palys (PH-Fitbit-Philips-IPR@paulhastings.com)
David Beckwith (PH-Fitbit-Philips-IPR@paulhastings.com)
David Okano (PH-Fitbit-Philips-IPR@paulhastings.com)
Jennifer.Bailey@eriseip.com
Adam.Seitz@eriseip.com
PTAB@eriseip.com

/George C. Beck /
George C. Beck
Registration No. 38,072
Counsel for Patent Owner