

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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YITA LLC,  
Petitioner,

v.

MACNEIL IP LLC,  
Patent Owner.

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Case No. IPR2020-01139  
Patent No. 8,382,186

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**PATENT OWNER'S REQUEST FOR ORAL ARGUMENT**

Pursuant to the Board's January 13, 2021 Case Management and Scheduling Order (Paper 18), the Board's April 29, 2021 Revised Scheduling Order (Paper 26), and 37 C.F.R. § 42.70, Patent Owner respectfully requests oral argument.

There is substantial overlap between issues in the above-captioned proceeding (IPR2020-01139) and a related proceeding between the parties in which Patent Owner has also submitted a request for oral argument (IPR2020-01142). The Petitions in this proceeding and IPR2020-01142 were filed on the same date, and are proceeding according to the same procedural schedule, with oral argument currently scheduled to occur in both proceedings on October 12, 2021. *See* Paper 26.

Accordingly, Patent Owner respectfully requests that both this proceeding and IPR2020-01142 be covered in a single hearing, with 60 minutes for each side (120 minutes total). To the extent that separate hearings are scheduled for both above-identified proceedings, Patent Owner respectfully requests that this proceeding (IPR2020-01139) be covered with 45 minutes for each side (90 minutes total).

Patent Owner further requests that it be allowed to reserve time for rebuttal following any rebuttal arguments presented by Petitioner.

With regard to this proceeding,<sup>1</sup> Patent Owner specifies the following issues (without waiving consideration of any issue not listed below) to be argued:

1. Ground 1: Whether the combination of Rabbe, Yung, and Gruenwald set forth in Ground 1 of the Petition renders obvious Claims 1-7 of U.S. Patent No. 8,382,186 (the “’186 Patent”) under 35 U.S.C. § 103.
2. Objective evidence of nonobviousness of Claims 1-7 of the ’186 Patent.
3. Arguments regarding any motion to exclude or motion to strike filed by a party.
4. Arguments regarding any pending motion to seal filed by a party.
5. Any issues specified by Petitioner in its request for oral argument.
6. Any additional issues on which the Board seeks clarification.

Patent Owner understands that until further notice, oral arguments scheduled on or after Friday, March 13, 2020 will be conducted remotely by video or telephone. See <https://www.uspto.gov/coronavirus>. To the extent the oral argument is conducted in accordance with the USPTO’s March 13, 2020 update on in-person meetings, Patent Owner requests that it be conducted via video-conference with the

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<sup>1</sup> Patent Owner acknowledges that the Board may not grant Patent Owner’s request to conduct a single hearing for this case and IPR2020-01142. Patent Owner therefore identifies only the issues to be argued with respect to this proceeding in this submission.

capability to display documents, including demonstratives and exhibits, to the Board. To the extent the oral argument is conducted in-person at USPTO offices, Patent Owner requests that the Board provide audio-visual equipment to display demonstrative exhibits during the oral argument, including a projector for connecting a laptop and a screen for displaying documents. Any demonstrative exhibits will be served before the oral argument as required by 37 C.F.R. § 42.70(b).

This filing is timely, being submitted no later than DUE DATE 4 (September 1, 2021), according to the Scheduling Order (Paper 18).

### CONCLUSION

Patent Owner respectfully requests the opportunity to have an oral argument before the Board. If the Board has any questions, comments, or suggestions, the undersigned attorney requests a telephone conference to discuss.

Respectfully submitted,

BAKER BOTTS L.L.P.

Dated: September 1, 2021

By: /David G. Wille/

David G. Wille

Reg. No. 38,363

Lead Counsel for Patent Owner MacNeil IP  
LLC

**CERTIFICATE OF SERVICE**

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on September 1, 2021, a copy of **PATENT OWNER'S REQUEST FOR ORAL ARGUMENT** was filed electronically and served on Petitioner via electronic mail:

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