

UNITED STATES PATENT AND TRADEMARK OFFICE

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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RIMFROST AS

Petitioner

v.

AKER BIOMARINE ANTARCTIC AS

Patent Owner

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Case: IPR2020-01533

U.S. Patent No. 9,816,046 B2

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**PETITIONER'S  
REQUEST FOR ORAL ARGUMENT**

Pursuant to 37 C.F.R § 42.70, the Scheduling Order dated April 12, 2021 (Paper 6), Petitioner Rimfrost AS respectfully requests oral argument in connection with IPR2020-01532 and IPR2020-01533, currently scheduled for January 12, 2021, in the USPTO headquarters in Alexandria. Petitioner requests sixty (60) minutes in which to present its arguments regarding its Petition (Paper 2).

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. 9,644,169 B2 are not patentable over the applied art on the grounds presented in the Petition as summarized in Table I below.

<b>TABLE I</b>			
<b>Ground</b>	<b>References</b>	<b>Basis</b>	<b>Claims Challenged</b>
1	Breivik II (EX1037), Yoshitomi (EX1033), Budziński (EX1008), Fricke (EX1010), Bottino II (EX1038), Sampalis I (EX1012)	35 U.S.C. §103(a)	1-10
2	Breivik II (EX1037), Yoshitomi (EX1033), Budziński (EX1008),	35 U.S.C. §103(a)	11, 12

TABLE I			
Ground	References	Basis	Claims Challenged
	Fricke (EX1010), Bottino II (EX1038), Randolph (EX1011)		
3	Breivik II (EX1037), Yoshitomi (EX1033), Budziński (EX1008), Fricke (EX1010), Bottino II (EX1038), Randolph (EX1011), Sampalis I (EX1012)	35 U.S.C. §103(a)	13-19

2. 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, Patent Owner's Submission In Lieu of Denial Motion to Strike 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 available, including a projector to be connected to a laptop and an ELMO, to display demonstrative exhibits and documents of record.

Dated: November 29, 2021

Respectfully submitted,

<p><u>/james f. harrington/</u> James F. Harrington (Reg. No. 44,741) <i>Lead Counsel for Petitioner</i></p> <p>John T. Gallagher (Reg. No. 35,516)</p> <p>Hoffmann &amp; Baron, LLP 6900 Jericho Turnpike Syosset, New York 11791 jfhdoCKET@hbiplaw.com Tel: 516.822.3550</p>	<p>Michael I. Chakansky (Reg. No. 31,600) <i>First Back-Up Counsel for Petitioner</i></p> <p>Hoffmann &amp; Baron, LLP 4 Century Drive Parsippany, N.J. 07054 mchakansky@hbiplaw.com Tel: 973.331.1700</p>
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**CERTIFICATE OF SERVICE**

I hereby certify that on this the 29<sup>th</sup> day of November 2021, the foregoing PETITIONER'S REQUEST FOR ORAL ARGUMENT was served in its entirety on the following counsel of record by electronic service by email at the email addresses as set forth below in accordance with the consent set forth in Patent Owner's Mandatory Notices Pursuant to 37 C.F.R. § 42.8.

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