

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RIMFROST AS
Petitioner,

v.

AKER BIOMARINE ANTARCTIC AS
Patent Owner.

Case No. IPR2020-01533
U.S. Patent 9,816,046
Title: BIOEFFECTIVE KRILL OIL COMPOSITIONS

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 April 12, 2021 (Paper 6), Patent Owner respectfully requests an oral argument in connection with IPR2020-01533 on U.S. Pat. No. 9,816,046, currently scheduled for January 12, 2021, in the USPTO headquarters in Alexandria. Patent Owner requests sixty (60) minutes total in which to present its arguments. Patent Owner also requests that the court reporter be present in the hearing room.

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 1-19 are anticipated or obvious over the combinations of references in the following Table:

TABLE I			
Ground	Reference(s)	Basis	Claims Challenged
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), Fricke (EX1010), Bottino II (EX1038), Randolph (EX1011)	35 U.S.C. § 103(a)	11, 12
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

3. The content of the prior art at issue.
4. The state of the art at the time of the claimed inventions.
5. Unavailability of the prior art due to earlier conception and reduction to practice by the inventors.
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 30, 2021

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 30th day of November 2021, 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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