

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TENNANT COMPANY,

Petitioner,

v.

OXYGENATOR WATER TECHNOLOGIES, INC.,

Patent Owner.

Case IPR2021-00625

Patent RE45,415

PATENT OWNER'S REQUEST FOR ORAL HEARING

Pursuant to 37 C.F.R. § 42.70(a) and the Scheduling Order (Paper 10) Patent Owner submits this request for an oral hearing in IPR2021-0625 (Patent RE45,415). The Board has set a hearing on this matter for May 20, 2022. (Paper 10, Due Date 8). Patent Owner requests an oral hearing (without waiving consideration of any issue) to address the disputes in this IPR, including any claim construction disputes, invalidity disputes under 35 U.S.C. § 102(b) and § 103, any disputes raised in motions to exclude filed in this proceeding, and any additional issues identified in Petitioner's request for oral argument, and any issues on which the Board seeks clarification.

Patent Owner conferred with Petitioner, and we agreed on the time and conduct of the hearing. In accordance with that agreement Patent Owner asks the Board to order 1 hour per side for oral argument. Pursuant to the Consolidated Trial Practice Guide (pp. 81) Patent Owner requests the right to reserve time for short sur-reply arguments. Petitioner agreed that Patent Owner may reserve time for sur-reply arguments. Patent Owner also requests technology to display demonstrative exhibits to the Judges, including a power-point point slide show as well as papers or exhibits of record¹.

¹ Patent Owner does not know the exact physical structures Petitioner intends to show during the oral hearing and reserves the right to object to such physical structures or other demonstrative exhibits if appropriate.

Patent Owner understands that the USPTO's March 13, 2020, notice (<https://www.uspto.gov/about-us/news-updates/uspto-update-person-meetings>) indicates that the oral argument will be conducted remotely by video or telephone. PO respectfully requests that the oral hearing be conducted by videoconference rather than teleconference, if possible.

No more than five people from Patent Owner's side will attend the hearing. If the requests in this paper are granted, we will direct our request for audio-visual technology to PTABHearings@uspto.gov.

Dated: April 8, 2022

Respectfully submitted,

/J. Derek Vandenburg/

J. Derek Vandenburg (Lead Counsel)

Registration No. 32,179

Carlson, Caspers, Vandenburg
& Lindquist, P.A.

225 South Sixth Street, Suite 4200

Minneapolis, MN 55402

Telephone: (612) 436-9600

Facsimile: (612) 436-9650

Email: DVandenburg@carlsoncaspers.com

Lead Counsel for Patent Owner

CERTIFICATION OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e) the undersigned certifies that on April 8, 2022, a true and correct copy of the foregoing *Patent Owner's Request for Oral Hearing* was served via electronic mail upon the following:

R. Scott Johnson (Reg. No. 45,792)
Fredrikson & Byron, P.A.
505 E. Grand Ave., Suite 200
Des Moines, IA 50309
Phone: (515) 242-8930
Fax: (515) 242-8950
Email: RSJohnson@fredlaw.com

Adam R. Steinert
Fredrikson & Byron, P.A.
200 South 6th Street, Suite 4000
Minneapolis, MN 55402
Tel: (612) 492-7000
Fax: (612) 492-7797
Email: asteinert@fredlaw.com

Thomas M. Patton (Reg. No. 76,193)
Fredrikson & Byron, P.A.
505 E. Grand Ave., Suite 200
Des Moines, IA 50309
Phone: (515) 242-8908
Fax: (515) 242-8950
Email: tpatton@fredlaw.com

/s/ J. Derek Vandenburg
J. Derek Vandenburg
(Lead Counsel)