

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CLOUDFLARE, INC. and
SPLUNK INC.,
Petitioner,

v.

SABLE NETWORKS, INC.,
Patent Owner

Case IPR2021-00909¹
Patent 8,243,593

**PATENT OWNER SABLE NETWORKS, INC'S
REQUEST FOR ORAL ARGUMENT**

¹ Splunk, Inc., which filed a petition in IPR2022-00228, has been joined as a petitioner in this proceeding.

Pursuant to 37 C.F.R. § 42.70 and the Board’s Scheduling Order (Paper 17), Sable Networks, Inc. (“Patent Owner”) respectfully requests oral argument, as currently scheduled for September 7, 2022.

Reservation of Time: Patent Owner requests an opportunity to reserve sur-rebuttal time to respond to rebuttal arguments by Petitioner, and an opportunity to provide a closing statement. *Compare, e.g., Mangrove Partners Master Fund, Ltd. et al. v. VirnetX, Inc.*, IPR2015-01046/01047, Paper 60, 2 (PTAB Jun. 2, 2016) (“Both parties may reserve some of their argument time for rebuttal, and Patent Owner will be afforded an opportunity to provide a closing statement along with any rebuttal.”). Patent Owner requests 45 minutes of total time for each side.

Issues for Argument: Without waiving any issue not specifically identified, Patent Owner specifies at least the following issues it may discuss at argument:

- Issues related to the instituted grounds (*i.e.*, that claims 17, 18, 37, 38 are not obvious over Yung, that claims 9-13, 19-24, 29-33, 39-44 are not obvious over Yung in view of Copeland, and that claim 3 is not obvious over Yung and Four-Steps Whitepaper), including, for example, claim construction, anticipation, obviousness, motivation to combine, and reasonable expectation of success;
- The timeliness of the arguments raised by Petitioner in the proceedings;
- Any motion to exclude filed by the parties;

- Any other relevant issues raised in papers filed in this proceeding, including issues raised in papers yet to be filed; and
- Any other issues that the Board deems necessary for issuing a Final Written Decision, including any questions, rebuttals, or arguments that may arise during the oral argument.

The Board's advance guidance is respectfully solicited as to any questions the Board specifically wishes to be addressed.

Equipment: Patent Owner requests the ability to use a computer, projector, and screen to display possible demonstratives and exhibits.

Respectfully submitted,

/Kenneth J. Weatherwax/

Kenneth J. Weatherwax, Reg. No. 54,528
LOWENSTEIN & WEATHERWAX LLP
Date: July 8, 2022

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the following documents were served by electronic service, by agreement between the parties, on the date below:

PATENT OWNER SABLE NETWORKS, INC'S REQUEST FOR ORAL ARGUMENT

The names and address of the parties being served are as follows:

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Respectfully submitted,

/Colette Woo/

Date: July 8, 2022