

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

NEONODE SMARTPHONE LLC,
Patent Owner

Case IPR2021-01041
Patent 8,095,879

**PATENT OWNER NEONODE SMARTPHONE LLC'S
REQUEST FOR ORAL ARGUMENT**

Pursuant to 37 C.F.R. § 42.70 and the Board’s Scheduling Order (Paper 20), Neonode Smartphone LLC (“Patent Owner”) respectfully requests oral argument, as currently scheduled for October 17, 2022. Patent Owner respectfully requests that said oral argument be held at the PTAB’s regional office in San Jose, California. Paper 20, 6. If the Board determines that a hearing in San Jose, California is not feasible, Patent Owner respectfully requests that the hearing be conducted remotely via video conference.

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 sixty 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 1-5, 13, 15-17 are not obvious over Robertson in view of Maddalozzo, that claims 6, 7, 9 are not obvious over Robertson in view of Maddalozzo and Vayda, that claim 12 is not obvious over Robertson in view of Maddalozzo and Bedford-Roberts,

that claims 1, 4-6, 13, 15-17 are not obvious over Tarpenning, that claims 2, 3, 7, 9 are not obvious over Tarpenning in view of Vayda, and that claim 12 is not obvious over Tarpenning in view of Bedford-Roberts), 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

Nathan Lowenstein, *Pro hac vice*

Parham Hendifar, Reg. No. 71,470

LOWENSTEIN & WEATHERWAX LLP

Date: August 31, 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 NEONODE SMARTPHONE LLC'S
REQUEST FOR ORAL ARGUMENT**

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

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Respectfully submitted,

/Vinson Lin/

Date: August 31, 2022