

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NINTENDO CO., LTD., and NINTENDO OF AMERICA INC.,
Petitioners,

v.

ANCORA TECHNOLOGIES, INC.,
Patent Owner.

Case IPR2021-01338
U.S. Patent No. 6,411,941 B1

PATENT OWNER'S REQUEST FOR ORAL HEARING

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

Patent Owner Ancora Technologies, Inc. (“Ancora”) hereby requests an oral hearing pursuant to 37 C.F.R. § 42.70 and the Board’s Scheduling Order dated January 27, 2022 (paper 10), the Board’s Decision Granting Requests for Changing Oral Hearing and Due Dates dated May 4, 2022 (paper 24), and the Parties’ Joint Stipulation to Modify Due Dates 2–4 dated June 8, 2022 (paper 28). Oral hearing is currently scheduled for October 3, 2022. (*See* paper 24.) Ancora requests that the hearing be held in-person at the Alexandria USPTO Headquarters, or alternatively that the hearing be held virtually if so ordered by the Board. Ancora intends to discuss the issues raised in the parties’ filings in the ongoing reviews, including but not limited to, the following items:

1. Any issue properly raised by Petitioner, including the Petition for *Inter Partes* Review and Reply in this proceeding, including the patentability of claims 1–3, 6–14, and 16 of U.S. Patent No. 6,411,941, titled “Method of Restricting Software Operation Within a License Limitation.”
2. Any issues addressed by Ancora, including in Ancora’s Responses, Supplemental Response, and Sur-Replies.
3. Rebuttal to issues properly raised by Petitioner, including in any Petition, Responses, Replies, motions to exclude or requests for oral argument.
4. Any other issues related to invalidity that the Board deems necessary for issuing a final written decision.

Ancora requests that each side be given 45 minutes of total time to present its arguments. Ancora further requests that the oral hearing in this matter be consolidated with IPR2021-01406. Specifically, Ancora requests the sequence of argument to allow Petitioner in this case and in IPR2021-01406 to present their principal arguments (up to 45 minutes for each case), followed by Ancora's rebuttal to both (up to 45 minutes for each case), followed by Petitioners' respective sur-rebuttals (if time is reserved in one or both cases), followed by Ancora's respective sur-sur-rebuttal. To be clear, Ancora requests time equal to the sum of time granted to Petitioners in this case and petitioner in IPR2020-01406. Given the similarity of issues in this case and IPR2021-01406, this sequencing would promote efficiency by avoiding repetition of arguments and ensure Petitioners in one or the other case do not get an unfair advantage based on observing Ancora's arguments or the Board's response thereto. Ancora proposed this arrangement to Petitioner, and has not received a response. Ancora is available for a conference call with the Board at the Board's convenience.

Ancora also requests the ability to use audio/visual equipment to display demonstrative exhibits, including the use of a projector and screen for demonstrative slides.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY LLP

Dated: September 2, 2022

By: /David A. Gosse/

David A. Gosse
Reg. No. 61,511
dgosse@fitcheven.com
Nicholas T. Peters
Reg. No. 53,456
ntpete@fitcheven.com
Karen J. Wang
Reg. No. 62,503
kwang@fitcheven.com
Fitch, Even, Tabin & Flannery LLP
120 South LaSalle Street, Suite 2100
Chicago, IL 60603
(312) 577-7000
(312) 577-7007 (fax)
Attorneys for Patent Owner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 2, 2022, a complete and entire copy of the PATENT OWNER'S REQUEST FOR ORAL HEARING, was served via electronic mail to the attorneys listed below at PerkinsService-Nintendo-Ancora-IPR@perkinscoie.com:

Lead Counsel	Back-up Counsel
Jerry A. Riedinger Reg. No. 30,582 riedinger-ptab@perkinscoie.com Perkins Coie LLP	Jose Villarreal, Reg. No. 43,969 villarreal-ptab@perkinscoie.com Perkins Coie LLP Kyle Canavera, Reg. No. 72,167 canavera-ptab@perkinscoie.com Perkins Coie LLP Theresa H. Nguyen (<i>pro hac vice</i>) nguyen-ptab@perkinscoie.com Perkins Coie LLP Tara Kurtis, Reg. No. 74,846 kurtis-ptab@perkinscoie.com Perkins Coie LLP

Dated: September 2, 2022

By: /David A. Gosse/
David A. Gosse
Reg. No. 61,511
dgosse@fitcheven.com