

U.S. Patent No. 10,621,228
Patent Owner's Request for Oral Argument
IPR2021-01413

Paper No. _____

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS, LLC
Petitioner

v.

MEMORYWEB, LLC
Patent Owner

Patent No. 10,621,228

Inter Partes Review No. IPR2021-01413

PATENT OWNER'S REQUEST FOR ORAL ARGUMENT

Patent Owner hereby requests an oral argument pursuant to 37 C.F.R. § 42.70. As indicated in the Scheduling Order, the requested oral argument will be held at the USPTO headquarters in Alexandria on December 16, 2022. Paper 16.

The issues to be addressed at oral argument include:

- The proper construction of terms at issue in this proceeding;
- Whether claims 1-7 are invalid over Okamura, Flora, Wagner, and/or Gilley as set forth in Grounds 1-4 of the Petition;
- Whether Apple and Samsung are Unnamed Real Parties in Interest;
- Any timely-filed motion to exclude; and
- Any other matters presented in the briefing by the parties to the proceeding.

Patent Owner respectfully requests one hour per side of oral argument time in this proceeding.

Patent Owner requests the services of a court reporter to transcribe the proceeding.

Patent Owner requests the use of audio-visual equipment to assist its arguments and to display demonstrative exhibits.

The Scheduling Order states that “oral argument, if requested, will be held at the USPTO headquarters in Alexandria.” Paper 16, 6. The Scheduling Order also

invited the parties to jointly confer and file a request for an alternative location “within one month” of the Scheduling Order. *Id.*

Petitioner requests that oral argument be conducted remotely, but did not communicate this preference within one month of the scheduling order (dated March 14, 2022). Instead, Petitioner first stated its preference via email on October 31, 2022 (one-day before the deadline for oral argument requests) by asking if Patent Owner would oppose a request to change oral argument to a remote hearing. Petitioner has not stated why it has requested this change. On November 1, 2022 (the date of this submission), Patent Owner responded that it would oppose this request.

Roughly two hours later, and without further communication, Petitioner submitted a request for oral argument seeking a remote hearing indicating that Patent Owner had not indicated “why” Patent Owner opposed the change. Paper 40, 1. Notably, Petitioner did not present a reason why it desired a change in its initial communication.

Patent Owner respectfully submits that the issues can be presented and understood more effectively in a live format.

Further, lead counsel for Patent Owner has already made arrangements to travel to Alexandria the week of oral argument and present live at USPTO headquarters, as indicated in the Scheduling Order. Lead counsel also has a hearing

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scheduled at the USPTO for the previous day (December 15) for another matter. A remote hearing would be inconvenient for MemoryWeb's counsel.

Petitioner also argues that a remote hearing is "consistent with the [USPTO's] current practice," but the Scheduling Order (discussed above) and relevant website page states otherwise. Paper 40, 1; www.uspto.gov/patents/ptab/hearings ("The Patent Trial and Appeal Board (PTAB) plans to re-establish in-person hearings starting July 11, 2022").

For these reasons, Patent Owner respectfully requests that oral argument proceed as previously scheduled at the USPTO headquarters in Alexandria.

Respectfully submitted,

Dated: November 1, 2022

By: /s/ Jennifer Hayes

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **Patent Owner's Request for Oral Argument** was served on November 1, 2022, by email:

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Counsel for Petitioner, Unified Patents, LLC

By: /s/ Jennifer Hayes

Counsel for Patent Owner