

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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UNIFIED PATENTS, LLC  
Petitioner

v.

MEMORYWEB, LLC  
Patent Owner

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Case no. IPR2021-01413  
Patent 10,621,228

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**PETITIONER'S REQUEST FOR ORAL ARGUMENT**

In accordance with 37 C.F.R. 42.70(a) and the Board's Scheduling Order (Paper 16), Petitioner Unified Patents, LLC ("Petitioner") respectfully requests oral argument in the above-captioned proceeding. Oral argument is currently scheduled for December 16, 2022.

Petitioner respectfully requests that the hearing take place remotely via video conference, which is consistent with the current practice pursuant to the USPTO's notice that all oral hearings will be conducted remotely by video or telephone unless all parties request otherwise (<https://www.uspto.gov/patents/ptab/hearings>).<sup>1</sup> If the hearing is held in person, Petitioner requests the ability to use a computer, projector, and screen to display possible demonstratives and exhibits. Petitioner also requests that the attorneys at Petitioner's counsel table be allowed to use computers.

Petitioner respectfully requests 45 minutes of argument time for each side, for a total hearing time of 90 minutes.<sup>2</sup> To the extent the Board schedules this hearing

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<sup>1</sup> The parties have conferred, and Patent Owner opposed a remote hearing without stating why. Here, no unique circumstances exist that would warrant departing from the USPTO's current default practice, and the additional time and expense that would be necessitated by holding the hearing in person negate any perceived benefit.

<sup>2</sup> At least one practitioner intending to present at the hearing qualifies under the PTAB's Legal Experience and Advancement Program (LEAP). If oral argument is

to last more than the total hearing time requested by Petitioner, Petitioner requests that it be given half the total length.

Petitioner respectfully requests that the portions of the hearing addressing real party-in-interest and estoppel be closed to the public. Petitioner and Patent Owner have conferred and Patent Owner does not oppose. It is possible that the parties may discuss Petitioner's confidential business information that is subject to the Protective Order in this case during those portions of the hearing and in response to questions from the Board. Petitioner respectfully requests that accommodations be made for anyone who has not signed the protective order acknowledgment to leave the video conference (if the hearing is remote) or the hearing room (if the hearing is in person) if such confidential business information needs to be discussed or presented by either Petitioner or Patent Owner.

Petitioner respectfully requests the opportunity to present oral arguments on the following issues, without intent to waive consideration of any issue not requested:

- the interpretation of claim terms of U.S. Patent 10,621,228;

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held, Petitioner will request authorization to file the PTAB LEAP verification form for additional time as the Board deems reasonable.

- the unpatentability of claims 1-7 under 35 U.S.C. § 103(a) over Okamura and Flora;
- the unpatentability of claims 1-7 under 35 U.S.C. § 103(a) over Okamura, Flora, and Wagner;
- the unpatentability of claims 1-7 under 35 U.S.C. § 103(a) over Okamura, Flora, and Gilley;
- the unpatentability of claims 1-7 under 35 U.S.C. § 103(a) over Okamura, Flora, Wagner, and Gilley;
- real party-in-interest;
- estoppel;
- any issues raised in any paper of record or outstanding motion in this proceeding;
- any arguments raised by Patent Owner in its request for oral argument; and
- any issue raised by the Board during the argument or for which the Board seeks clarification.

No fee is believed to be due with this Request; however, the Director is hereby authorized to charge any required fee to Deposit Account 50-6990.

Dated: November 1, 2022

Respectfully submitted,

/Ellyar Y. Barazesh/

Ellyar Y. Barazesh

Reg. No. 74,096

*Counsel for Petitioner*

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