

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICRON TECHNOLOGY, INC.,
Petitioner,

v.

VERVAIN, LLC,
Patent Owner

Case No.: IPR2021-01549
U.S. Patent No. 9,997,240
Original Issue Date: June 12, 2018

Title: LIFETIME MIXED LEVEL NON-VOLATILE MEMORY SYSTEM

PETITIONER'S REQUEST FOR ORAL ARGUMENT

Pursuant to 37 C.F.R. § 42.70 and the Board’s Scheduling Order dated April 8, 2022 (Paper No. 11), Petitioner Micron Technology, Inc. (“Petitioner”) requests Oral Argument on issues related to the patentability of claims 1, 2, 6, and 7 of U.S. Patent No. 9,997,240.

Petitioner requests to present arguments on the following issues:

- All grounds on which trial was instituted, including all issues raised by the parties’ papers;
- Any issue raised by either party in a motion to exclude (if any), objections to demonstrative exhibits (if any), or any other motion or paper filed by either party before oral argument;
- Rebuttal to any issue raised by either party in its presentation at the oral argument; and
- Any additional issue on which the Board seeks clarification.

There are four IPR proceedings covering four patents that all share a common specification:

1. IPR2021-01547 (298 Patent) ;
2. IPR2021-01548 (385 Patent);
3. IPR2021-01549 (240 Patent) (*which this Request covers*); and
4. IPR2021-01550 (300 Patent).

Given common Patent Owner arguments among the four proceedings, and subject to any preferences of the Board, Petitioner believes that it would be most efficient for arguments to proceed as follows:

1. Combine oral argument for IPR2021-01547 (298 Patent) and IPR2021-01548 (385 Patent) into a single, consolidated hearing. Petitioner respectfully proposes that each party be given 60 minutes of argument time for the consolidated hearing, inclusive of any rebuttal time.
2. Following this argument, the parties will argue IPR2021-01549 (240 Patent). Petitioner respectfully proposes that each party be given 45 minutes of argument time for the hearing, inclusive of any rebuttal time.
3. Following this argument, the parties will argue IPR2021-01550 (300 Patent). Petitioner respectfully proposes that each party be given 45 minutes of argument time for the hearing, inclusive of any rebuttal time.

Petitioner also respectfully requests the ability to use audio-visual equipment to display demonstrative exhibits, including use of a computer, a projector, a digital projector / document camera (“Elmo”), and a screen.

To the extent the Oral Argument is conducted by video or telephone, Petitioner respectfully requests permission to file its demonstratives with the Board and to refer to its demonstratives during argument.

Dated: November 23, 2022

ORRICK, HERRINGTON & SUTCLIFFE LLP



By: _____

Jeremy Jason Lang

Lead Counsel for Petitioner

Reg. No. 73,064

1000 Marsh Road

Menlo Park, CA 94025-1015

T: (650) 614-7400

F: (650) 614-7401

Email: PTABDocketJL2@orrick.com

Attorney for Petitioner

CERTIFICATE OF SERVICE

The undersigned certifies, in accordance with 37 C.F.R. § 42.6(e), that service was made on the Patent Owner as detailed below.

Date of Service November 23, 2022

Manner of Service Electronic Mail

Documents Served PETITIONER'S REQUEST FOR ORAL ARGUMENT

Persons Served Patent Owner's Counsel of Record

Alan Whitehurst
awhitehurst@mckoolsmith.com
Christopher P. McNett
cmennett@mckoolsmith.com
Arvind Jairam
ajairam@mckoolsmith.com
MCKOOL SMITH, P.C.
1999 K St. NW, Suite 600
Washington, DC 20006

James E. Quigley
Reg. No. 78,596
jquigley@mckoolsmith.com
MCKOOL SMITH, P.C.
303 Colorado Street, Suite 2100
Austin, Texas 78701

Copy: Vervain-Mic-MS@McKoolSmith.com

/Karen Johnson/

Karen Johnson