

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner

v.

RFCYBER CORP.,
Patent Owner.

Inter Partes Review Case No. IPR2022-00413
U.S. Patent No. 9, 240,009

PETITIONER'S REQUEST FOR ORAL ARGUMENT

Pursuant to the Board's July 21, 2022, Scheduling Order (Paper 12), Petitioner respectfully requests oral argument for the trial currently scheduled on April 21, 2023. Petitioner requests oral argument for this IPR (IPR2022-00412) be combined with oral argument for IPR2022-00413 (for which a Request for Oral Argument is concurrently filed). Although the patents of the two IPRs are related, the grounds and arguments are varied amongst the two patents. Petition requests a total argument time of 90 minutes for each Party. Petitioner also requests a single set of demonstratives be used for both IPRs.

Petitioner proposes holding the hearing virtually. However, if the Board holds an in-person hearing, Petitioner requests that the hearing take place in Alexandria, Virginia.

Pursuant to 37 C.F.R. § 42.70(a), Petitioner specifies the following issues, without intent to waive consideration of any issue not requested, to be argued for this proceeding:

1. Whether Claims 1-6 and 13-17 are unpatentable under § 103(a) over U.S. Patent U.S. Patent Application Publication No. 2006/0165060 to Dua ("Dua") and GlobalPlatform Card Specification Version 2.1.1 (March 2003) ("GlobalPlatform");
2. Whether Claims 7-10 are unpatentable under § 103(a) over Dua, GlobalPlatform, and Smart Card Handbook Third Edition, by Wolfgang Rankl and Wolfgang Effing (2003) ("Smart Card Handbook");

3. Whether Claims 11 and 12 are unpatentable under § 103(a) over Dua, GlobalPlatform, Smart Card Handbook, and U.S. Patent Application Publication No. 2006/0174352 to Thibadeau.
4. Any claim constructions raised in any papers filed in the proceeding;
5. Any issues specified in the Patent Owner's Objection to Motion for Joinder; Patent Owner Preliminary Response, Patent Owner Response, or Patent Owner Sur-Reply;
6. Any issues specified in the Petitioner's Response to Patent Owner's Objection to Motion for Joinder and Petitioner Reply; and
7. Any issues otherwise raised by the Board.

Date: March 8, 2023

Respectfully submitted,
ERISE IP, P.A.

BY: /s/ Adam P. Seitz
Adam P. Seitz, Reg. No. 52,206
Paul R. Hart, Reg. No. 59,646

COUNSEL FOR PETITIONER

**CERTIFICATE OF SERVICE ON PATENT OWNER
UNDER 37 C.F.R. § 42.105(a)**

Pursuant to 37 C.F.R. §§ 42.6(e) and 42.105(b), the undersigned certifies that on March 8, 2023, a complete and entire copy of this Petitioner's Request for Oral Argument was served via electronic filing with the Board and via Electronic Mail on the following practitioners of record for Patent Owner:

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