

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC., SAMSUNG ELECTRONICS CO., LTD.,
and SAMSUNG ELECTRONICS AMERICA, INC.,
Petitioner,

v.

SMART MOBILE TECHNOLOGIES LLC,
Patent Owner.

Case IPR2022-00807
Patent 9,756,168

**PATENT OWNER SMART MOBILE TECHNOLOGIES LLC'S
REQUEST FOR ORAL ARGUMENT**

Pursuant to 37 C.F.R. § 42.70 and the Board’s Scheduling Order (Paper 11), Smart Mobile Technologies LLC (“Patent Owner”) respectfully requests oral argument, as currently scheduled for July 24, 2023.

Request For Remote Hearing: Patent Owner respectfully requests a remote hearing in this matter.

Start-Time For Hearing: Should the Board order a remote hearing, Patent Owner respectfully requests the hearing commence at 1:00 pm Eastern Time (10:00 am Pacific Time) or later in view of the time difference between Virginia and California.

Time Allotment: In view of the multiple issues raised, Patent Owner respectfully requests 75 minutes per side for argument.

Request For Lead Counsel Not To Attend: Patent Owner respectfully requests the Board’s permission for its lead counsel to not attend oral argument in the interest of preserving costs, as Patent Owner’s lead counsel is not expected to present oral argument.

Reservation Of Time: Patent Owner requests an opportunity to reserve sur-rebuttal time to respond to rebuttal arguments by Petitioner, and an opportunity to provide a closing statement. *Compare, e.g., Mangrove Partners Master Fund, Ltd. et al. v. VirnetX, Inc.*, IPR2015-01046/01047, Paper 60, 2 (PTAB June 2, 2016) (“Both parties may reserve some of their argument time for rebuttal, and Patent

Owner will be afforded an opportunity to provide a closing statement along with any rebuttal.”).

Issues For Argument: Without waiving any issue not specifically identified, Patent Owner specifies at least the following issues it may discuss at argument:

- Issues related to the instituted grounds (*i.e.*, that claims 2-5, 23, and 28 are not obvious over Sinton in view of Baker and Mueller; that claims 25 and 34 are not obvious over Sinton in view of Baker, Mueller, and Humpleman; that claim 22 is not obvious over Sinton in view of Baker, Mueller, and Grube; that claims 19 and 20 are not obvious over Sinton in view of Baker, Mueller, and Hsu; that claim 21 is not obvious over Sinton in view of Baker, Mueller, and Camp; and that claim 29 is not obvious over Sinton in view of Baker, Mueller, and Petty), including, for example, claim construction, anticipation, obviousness, motivation to combine, and reasonable expectation of success;
- The timeliness of the arguments raised by Petitioner in the proceedings;
- Any motion to exclude filed by the parties;
- Any other relevant issues raised in papers filed in this proceeding, including issues raised in papers yet to be filed; and

- Any other issues that the Board deems necessary for issuing a Final Written Decision, including any questions, rebuttals, or arguments that may arise during the oral argument.

The Board's advance guidance is respectfully solicited as to any questions the Board specifically wishes to be addressed.

Equipment: Should the Board order an in-person hearing, Patent Owner requests the ability to use a computer, projector, and screen to display possible demonstratives and exhibits.

Respectfully submitted,

/Kenneth J. Weatherwax/

Kenneth J. Weatherwax, Reg. No. 54,528
Nathan Lowenstein, *pro hac vice*
LOWENSTEIN & WEATHERWAX LLP
Date: June 13, 2023

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the following documents were served by electronic service, by agreement between the parties, on the date below:

PATENT OWNER SMART MOBILE TECHNOLOGIES LLC'S REQUEST FOR ORAL ARGUMENT

The names and address of the parties being served are as follows:

Andrew S. Ehmke	andy.ehmke.ipr@haynesboone.com
Adam C. Fowles	adam.fowles.ipr@haynesboone.com
Samuel Drezdzon	samuel.drezdzon.ipr@haynesboone.com
W. Karl Renner	axf-ptab@fr.com
Jeremy J. Monaldo	jjm@fr.com
Hyun Jin In	in@fr.com
Sangki Park	spark@fr.com

Respectfully submitted,

/ Keith Moore /

Date: June 13, 2023