

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ECOBEE TECHNOLOGIES, ULC,
Petitioner

v.

ECOFACITOR, INC.,
Patent Owner

IPR2022-00969
Patent No. 8,596,550

**PATENT OWNER'S REQUEST FOR
ORAL HEARING UNDER 37 C.F.R. § 42.70**

Patent Owner respectfully requests oral argument on all grounds on which trial was instituted in this matter, as well as (i) all issues raised in the parties' briefing in this matter, (ii) rebuttal to Petitioner's presentation on all matters, and (iii) any other issues that the Board deems necessary for issuing a final written decision.

Patent Owner further requests that oral argument in this IPR2022-00969 be consolidated with oral argument in IPR2022-00983. U.S. Patent No. 8,596,550 is at issue in both IPRs, with one directed toward claims 1-16 and the other directed toward claims 17-23. Further, there is substantial overlap in the prior art and the arguments regarding how that prior art is applied to the claims of the '550 patent.

Patent Owner requests 60 minutes per side for the consolidated oral argument. Patent Owner also requests that the Board hold the consolidated oral arguments remotely. Patent Owner has conferred with counsel for Petitioner regarding consolidating the hearings and holding the hearings remotely, and counsel for Petitioner agrees with both requests.

Respectfully submitted,

Dated: July 5, 2023

/s/ Philip X. Wang

Philip X. Wang (Reg. No. 74,621)
Russ August & Kabat
12424 Wilshire Blvd., 12th Fl.
Los Angeles, CA 90025
Phone: (310) 826-7474
Fax: (310) 826-6991

IPR2022-00969
Patent No. 8,596,550

pwang@raklaw.com
rak_ecofactor@raklaw.com

CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e)(1))

The undersigned hereby certifies that the above document was served on July 5, 2023, by filing this document through the P-TACTS system as well as delivering a copy via electronic mail upon the following attorneys of record for the Petitioner:

Matthew A. Smith
Elizabeth Laughton
smith@smithbaluch.com
laughton@smithbaluch.com

Dated: July 5, 2023

/s/ Philip X. Wang

Philip X. Wang (Reg. No. 74,621)
Russ August & Kabat
12424 Wilshire Blvd., 12th Fl.
Los Angeles, CA 90025
Phone: (310) 826-7474
Fax: (310) 826-6991
pwang@raklaw.com
rak_ecofactor@raklaw.com