

Filed: September 19, 2023

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

SMART MOBILE TECHNOLOGIES LLC,
Patent Owner.

Case IPR2022-01222
Patent 8,982,863 B1

PATENT OWNER'S REQUEST FOR ORAL ARGUMENT

Patent Owner Smart Mobile Technologies LLC hereby respectfully requests oral argument in accordance with 37 C.F.R. § 42.70 and pursuant to the Scheduling Order (Paper 12) entered January 31, 2023. Patent Owner proposes one hour per side for this proceeding.

Patent Owner requests that the oral argument be held remotely by videoconference, rather than in person, consistent with the Board's notice that the Board "will only conduct an in-person hearing when requested by all parties." *See* <https://www.uspto.gov/patents/ptab/hearings>. Patent Owner requests the ability to present demonstratives and exhibits to the Board during the videoconference, and the ability to have additional counsel attend the video conference from separate locations.

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. *See, e.g., Mangrove Partners Master Fund, Ltd. et al. v. VirnetX, Inc., IPR2015-01046/01047, Paper 60, 2 (PTAB Jun. 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.").

In the event that it is conducted in-person, Patent Owner requests permission to use the audio/visual system, including the capability of attaching a laptop to

present demonstratives, including projector and screen for computer-generated slides, and a document camera/projector.

Patent Owner respectfully requests oral argument on the following issues:

1. Any issues pertaining to the grounds on which this IPR was instituted.

This may include, for example, the level of ordinary skill in the art, claim construction, the absence of elements in the prior art, and reasons/motivations to combine references.

2. Any issues specified in the Petition.
3. Any issues specified in Patent Owner's Response.
4. Any issues specified in Petitioner's Reply.
5. Any issues specified in Patent Owner's Sur-Reply.
6. Any issues otherwise raised by the Board.

Dated: September 19, 2023

Respectfully Submitted,

/Todd Martin/

Todd Martin (Reg. No. 78,642)

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that I caused to be served on the counsel for Petitioner a true and correct copy of the foregoing Patent Owner's Request for Oral Argument, by electronic means on September 19, 2023, by delivering a copy via electronic mail to the attorneys of record for the Petitioner as follows:

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Dated: September 19, 2023

Respectfully Submitted,

/Todd Martin/

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