

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner

v.

ZENTIAN LIMITED,
Patent Owner

Inter Partes Review Case No. IPR2023-00037
U.S. Patent No. 10,971,140

PETITIONER'S REQUEST FOR ORAL ARGUMENT

Pursuant to the Board's June 12, 2023, Scheduling Order (Paper 11), Petitioner respectfully requests oral argument for the trial currently scheduled on March 13, 2024. Petitioner requests a total of forty-five (45) minutes of argument time for each Party. Petitioner proposes holding the hearing in-person at the San Jose regional Patent Office. Petitioner has conferred with counsel for Patent Owner, who agrees to this in-person argument request.

Alternative Proposal for Oral Argument

If the Board is inclined to consider an alternative proposal for the oral argument, Petitioner proposes that this argument for the '140 Patent (IPR2023-00037) be consolidated with the argument for the related patent, USPN 7,587,319 (IPR2023-00033), currently scheduled for March 11, 2024.

Many of the issues argued by both Parties in the briefing overlap between the two IPRs. There are some arguments distinct to a respective one of the IPRs (e.g., Patent Owner's argument for the '140 Patent, IPR2023-00037, regarding Limitations 1(d)-1(e) at Paper 19, 28-36), but Petitioner submits that these distinct issues can be identified in an organized manner during the consolidated argument. Petitioner submits that a consolidated argument would be the most efficient use of the Board's resources and prevent duplicative hearing transcripts.

Petitioner proposes a total argument time of sixty (60) minutes for each Party for the consolidated argument, and that the argument be scheduled for March 11, 2024. If the consolidated argument is scheduled for March 11, 2024, then this allows the argument for USPN 10,839,789 (IPR2023-00036) currently scheduled for March 13, 2024, to remain on its scheduled date. Thus, the argument for IPR2023-00036 would remain on March 13, 2024, such that the Board and Parties would have a single argument on March 13th for the '789 Patent and a single consolidated argument on March 11th for the '319 and '140 Patents.

The below table provides Petitioner's proposal for the five arguments related to the *Apple v. Zentian* set of IPRs:

IPR Number	Writing Judge	Patent Number	Deadline for Request for Oral Argument	Oral Argument Date per Scheduling Order	Suggested Oral Argument Date	Oral Argument Time for Each Party
IPR2023-00033	J. Ogden	7,587,319	1/30/2024	3/11/2024	Remain 3/11/2024	60 minutes (Consolidated hearing with '140 Patent)
IPR2023-00034	J. Ogden	7,979,277	1/30/2024	3/12/2024	Remain 3/12/2024	75 minutes (Consolidated hearing with '377 Patent)
IPR2023-00035	J. Turner	10,062,377	1/30/2024	3/12/2024	Remain 3/12/2024	See Proposal for '277 Patent
IPR2023-00036	J. Smith	10,839,789	1/19/2024	3/13/2024	Remain 3/13/2024	45 minutes
IPR2023-00037	J. Smith	10,971,140	1/19/2024	3/13/2024	Move to 3/11/2024	See Proposal for '319 Patent

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 1-3, 5, and 7-8 are obvious over U.S. Patent No. 6,374,219 to Jiang (“*Jiang*”) and U.S. Patent No. 5,428,803 to Chen, et al. (“*Chen*”);
2. Whether Claims 1-3, 5, and 7-8 are obvious over *Jiang*, *Chen*, and U.S. Patent Application Publication No. 2001/0053974 to Lucke, et al. (“*Lucke*”);
3. Whether Claim 4 is obvious over *Jiang*, *Chen*, and U.S. Patent No. 5,983,180 to Robinson (“*Robinson*”);
4. Whether Claim 4 is obvious over *Jiang*, *Chen*, *Lucke*, and *Robinson*;
5. Whether Claim 6 is obvious over *Jiang*, *Chen*, and U.S. Patent No. 5,036,539 to Wrench, Jr., et al. (“*Wrench*”);
6. Whether Claim 6 is obvious over *Jiang*, *Chen*, *Lucke*, and *Wrench*;
7. Any claim constructions, unpatentability grounds, or other issues raised in the Petition or Petitioner Reply, the Patent Owner Preliminary Response, the Patent Owner Response, the Patent Owner Sur-Reply, or the Board’s Institution Decision;
8. Any issues regarding motions to exclude or motions to strike that may be filed or pending; and
9. Any issues otherwise raised by the Board.

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Respectfully submitted,

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COUNSEL FOR PETITIONER

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