

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NETFLIX, INC.,
Petitioner,

v.

GoTV Streaming, LLC,
Patent Owner

Case: IPR2023-00758
U.S. Patent No. 8,478,245

PETITIONER'S REQUEST FOR ORAL ARGUMENT

Filing Date: June 25, 2024

IPR2023-00758

Patent No. 8,478,245

Pursuant to 37 C.F.R. § 42.70, 35 U.S.C. § 316(a)(10), and the Board's Scheduling Order dated November 7, 2023 (Paper 11), Petitioner Netflix, Inc. ("Petitioner" or "Netflix") respectfully requests Oral Argument on issues related to the patentability of Claims 1-33 of U.S. Patent No. 8,478,245 ("the '245 patent").

Request for Oral Argument

Petitioner wishes, without waiving consideration of any issue not specifically requested, to present oral argument on the following issues:

- Whether the challenged claims of the '245 patent are unpatentable based on the grounds raised in the Petition (Paper 2);
- Any issues related to Patent Owner's Preliminary Response (Paper 7), Patent Owner's Response (Paper 21), Patent Owner's Sur-Reply (Paper 26), or the Institution Decision (Paper 10);
- Any other issues raised in the briefing pursuant to the schedule;
- Procedural, evidentiary, or other issues raised by the parties or the Board; and
- Any other outstanding motions and pleadings, and other issues that the Board deems necessary to issue a Final Written Decision.

Per the Scheduling Order (Paper 11), oral argument is scheduled for August 6, 2024. To the extent convenient for the Board, Petitioner requests that Oral Argument be held in person.

Petitioner proposes that the oral argument for this proceeding be consolidated

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with oral argument for IPR2023-00757, in which the patentability of Claims 1-20 of U.S. Patent No. 8,989,715 are at issue, and IPR2023-00759, in which the patentability of Claims 1-20, 31, and 34 of U.S. Patent No. 8,103,865 are at issue. The parties' papers in the three proceedings reveal that many disputes are common to them. The same panel presides over two proceedings, and oral argument in the two proceedings is scheduled for August 6, 2024. Thus, consolidation would promote efficient administration of the Office. Petitioner proposes that 90 minutes should be allotted to each side for the combined argument, i.e., the argument for IPR2023-00757, IPR2023-00758, and IPR2023-00759. Specifically, Petitioner proposes that 45 minutes per side be allotted to argument regarding IPR2023-00757 and IPR2023-00758, and 45 minutes per side be allotted to argument regarding IPR2023-00759. Should the Board approve the combined argument, Patent Owner has agreed with the proposed time limits and allocation. Petitioner requests the ability to reserve a portion of its total time for presenting rebuttal arguments after Patent Owner's presentation.

Petitioner also requests permission to use audio and visual equipment to display demonstratives and exhibits of record. In accordance with the Trial Practice Guide, Fed. Reg. Vol. 77, No. 157, at 48768, Petitioner will contact the Board Trial Division paralegal to discuss this request.

This request is timely, being filed on June 25, 2024.

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Dated: June 25, 2024

Respectfully submitted,

Aliza George Carrano
Lead Counsel for Petitioner

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CERTIFICATE OF SERVICE

I certify that on June 25, 2024, I caused a true and correct copy of the foregoing Petitioner's Request for Oral Argument to be served on the Patent Owner via electronic mail to Patent Owner's counsel of record below:

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