

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner

v.

FINTIV, INC.,
Patent Owner

IPR2023-00398
U.S. Patent No. 10,438,196

PETITIONER'S REQUEST FOR ORAL ARGUMENT

In accordance with 37 C.F.R. § 42.70(a), Petitioner hereby requests an oral argument in the present *inter partes* review. Per the Board's Scheduling Order, the oral argument is currently scheduled for April 10, 2024. Scheduling Order, Paper 10, p. 12.

Petitioner respectfully requests a remote virtual hearing. In addition, Petitioner respectfully requests that the oral argument in this proceeding (IPR2023-00398) ("the '196 IPR") be consolidated with the oral argument of IPR2023-00399 involving U.S. Patent No. 9,208,488 ("the '488 IPR"), with a total of 70 minutes of oral argument for each side in the consolidated oral hearing. Petitioner conferred with Patent Owner, and both parties agreed to request a consolidated oral argument.

A consolidated oral argument is warranted for the '196 IPR and the '488 IPR for the following reasons:

- the '196 and '488 patents are related to each other (the '196 patent is a continuation of the '488 patent), and the challenged claims in the '196 IPR and the '488 IPR and are similar in scope;
- all claims challenged in the '196 IPR and the '488 IPR involve the same ground of unpatentability (obvious over Dill, Vadhri, and Akashika)¹;
- the parties' prior art and claim construction arguments are substantially the same; and

¹ In the '196 IPR, claims 1-22 of the '196 patent are challenged as obvious over Dill, Vadhri, and Akashika. Likewise, in the '488 IPR, claims 1-22 of the '488 patent are challenged as obvious over Dill, Vadhri, and Akashika.

- the Board instituted trial for the '196 IPR and the '488 IPR on the same day (July 10, 2023), and issued a combined Scheduling Order (Paper 10) setting the same Due Dates 1-8 in the '196 IPR and the '488 IPR.

Petitioner respectfully requests the opportunity to present oral arguments on all issues raised in the papers pertaining to the instituted grounds, including:

- how challenged claims 1-22 are unpatentable over Dill, Vadhri, and Akashika;
- any issue raised in the Board's Institution Decision (Paper 9);
- any argument raised in Patent Owner's Response (Paper 18), Petitioner's Reply (Paper 22), and Patent Owner's Sur-Reply (Paper 24);
- any issue raised in any paper of record in this proceeding;
- any issue raised by Patent Owner in its request for oral argument; and
- any issue raised by the Board during the argument or for which the Board seeks clarification.

If the Board has any questions or comments, the undersigned attorney respectfully requests a telephone conference.

Respectfully submitted,

Dated: February 23, 2024
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/Andrew S. Ehmke/
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Registration No. 50,271

CERTIFICATE OF SERVICE

The undersigned certifies, under 37 C.F.R. § 42.6, that service was made on the Patent Owner as detailed below.

Date of service February 23, 2024

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Documents served **Petitioner's Request for Oral Argument**

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