

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,

Petitioner,

v.

FINTIV,

Patent Owner.

Case No. :
IPR2023-00398 (Patent 10,438,196B2)
IPR2023-00399 (Patent 9,208,488B2)

**PATENT OWNER'S REQUEST
FOR ORAL ARGUMENT**

In accordance with 37 C.F.R. § 42.70(a), Patent Owner 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.

Patent Owner respectfully requests a remote virtual hearing. In addition, Patent Owner agrees with Petitioner and respectfully requests that the oral argument in this proceeding (IPR2023-00399) ("the '488 IPR") be consolidated with the oral argument of IPR2023-00398 involving U.S. Patent No. 10,438,196 ("the '196 IPR"), with a total of 70 minutes of oral argument for each side in the consolidated oral hearing.

The Patent Owner and Petitioner agree that a consolidated oral argument is warranted for the '488 IPR and the '196 IPR for the following reasons:

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

- the Board instituted trial for the '488 IPR and the '196 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 '488 IPR and the '196 IPR.

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

- how Petitioner has failed to meet its burden with respect to challenged claims 1-22 in view of the proposed combination of Dill, Vadhri, and Akashika presented in the Petition (Paper 2);
- any issue raised in the Board's Institution Decision (Paper 9);
- any argument raised in the Petition (Paper 2), Patent Owner's Response (Paper 18), Petitioner's Reply (Paper 22), and Patent Owner's Sur-reply (Paper 24), including the parties' claim construction and prior art arguments;
- any issue raised in any paper of record in this proceeding;
- any issue raised by Petitioner in its request for oral argument; and
- any issue raised by the Board during the oral 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, 2023

By: /s/ Jonathan K. Waldrop
Jonathan K. Waldrop
USPTO Registration No. 50,334
For Patent Owner

CERTIFICATE OF SERVICE

The undersigned certifies that pursuant to 37 C.F.R. § 42.6(e), a copy of the foregoing **PATENT OWNER'S REQUEST FOR ORAL ARGUMENT** was served via email (as consented to by counsel) on February 23, 2024, to lead and backup counsel of record for Petitioner as follows:

Lead Counsel	Backup Counsel
Andrew S. Ehmke HAYNES AND BOONE, LLP 2323 Victory Ave. Suite 700 Dallas, TX 75219 andy.ehmke.ipr@haynesboone.com	Eugene Goryunov HAYNES AND BOONE, LLP 2323 Victory Ave. Suite 700 Dallas, TX 75219 eugene.goryunov.ipr@haynesboone.com Jonathan R. Bowser HAYNES AND BOONE, LLP 800 17 th Street NW, Suite 500 Washington, DC 20006 jon.bowser.ipr@haynesboone.com Jordan Maucotel HAYNES AND BOONE, LLP 2323 Victory Ave. Suite 700 Dallas, TX 75219 jordan.maucotel.ipr@haynesboone.com

Dated: February 23, 2024

By: /s/ Jonathan K. Waldrop
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