UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NESPRESSO USA, INC.
Petitioner

v.

K-FEE SYSTEM GMBH
Patent Owner

IPR2023-00502
U.S. Patent No. 10,994,923

PETITIONER'S REQUEST FOR ORAL ARGUMENT

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Dated: May 1, 2024

Filed by:

B. Clayton McCraw
Registration No. 68,258
MAYER BROWN LLP
1221 Avenue of the Americas
New York, NY 10020-1001
Telephone: (212) 506-2649
CMcCraw@mayerbrown.com

Amanda Streff Bonner

Registration No. 65,224
MAYER BROWN LLP
71 S. Wacker Drive
Chicago, IL 60606
Telephone: 312-701-8645
Facsimile: 312-701-7711
asbonner@mayerbrown.com

Counsel for Petitioner

Pursuant to 37 C.F.R. § 42.70(a), Petitioner respectfully requests oral argument. The oral argument in this proceeding is presently scheduled for June 12, 2024. Given that the oral arguments in a related IPR proceeding, IPR2023-00485, is also presently scheduled for June 12, 2024, Petitioner respectfully requests a single hearing for both IPR proceedings. Petitioner also respectfully requests that the oral argument be held in person at the USPTO headquarters in Alexandria. The issues to be addressed include the following:

1. Unpatentability of claims 1-16 of U.S. Patent No. 10,994,923 (the "'923 patent") under 35 U.S.C. § 103 as obvious over US 2010/0239734 to Yoakim in view of US 2013/0064937 to Jarisch in further view of US 2012/0269933 to Rapparini;
2. Whether or not Patent Owner is entitled to priority to any of its foreign applications;
3. Any procedural and evidentiary issues raised by the parties;
4. Any additional issue the parties raise or propose to raise at or before the oral argument; and
5. Any additional issues on which the Board seeks information or clarification.

Petitioner requests that it be permitted to argue first. Office Patent Trial Practice Guide, 77 Fed. Reg. 45,756, 48,768 (Aug. 14, 2012).

Petitioner submits that seventy-five (75) minutes per side is sufficient to present the parties' arguments pertaining to both IPR proceedings to the Board. Petitioner requests a hearing time in the morning Eastern Time.

Petitioner further requests the use of audio-visual equipment to assist its arguments and to display is demonstrative exhibits, including a computer-connectable projector, an ELMO, and a screen.

Petitioner requests the services of a court reporter to transcribe the proceeding.

Petitioner notes that it anticipates having more than five (5) individuals attend the argument on its behalf. Petitioner respectfully requests space to accommodate additional individuals to attend on its behalf.

Dated: May 1, 2024

Respectfully submitted,

By:/ B. Clayton McCraw/
B. Clayton McCraw
Registration No. 68,258
MAYER BROWN LLP
1221 Avenue of the Americas
New York, NY 10020-1001
Telephone: (212) 506-2649
CMcCraw@mayerbrown.com

Amanda Streff Bonner
Registration No. 65,224
MAYER BROWN LLP
71 S. Wacker Drive
Chicago, IL 60606
Telephone: 312-701-8645
Facsimile: 312-701-7711
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Counsel for Petitioner

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§42.6 and 42.105, I hereby certify that on May 1, 2024, a copy of the attached PETITIONER'S REQUEST FOR ORAL ARGUMENT, was served via electronic mail to Patent Owner's Counsel of Record according to Patent Owner's Mandatory Notices.

Date: May 1, 2024

Respectfully submitted,

By:/ B. Clayton McCraw/
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