

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

IRIUSRISK, INC.,
Petitioner,

v.

THREATMODELER SOFTWARE, INC.,
Patent Owner.

Case IPR2023-00656
Patent 10,713,366

**PATENT OWNER'S REQUEST FOR ORAL ARGUMENT
PURSUANT TO 37 C.F.R. § 42.70**

Pursuant to 37 C.F.R. § 42.70(a), 35 U.S.C. § 316(a)(10), and the Board's October 6, 2023 Scheduling Order (Paper 8) setting oral argument, if requested, on July 10, 2024, Patent Owner ThreatModeler Software, Inc. ("ThreatModeler") respectfully requests oral argument in this proceeding. ThreatModeler respectfully requests an in-person oral argument with one hour of argument time per side.

ThreatModeler identified the following issues to be argued:

- Issues related to the Board's Decision Instituting *Inter Partes* Review (Paper 7);
- Construction of claim terms of the '366 patent;
- Whether claims 1-20 are unpatentable under 35 U.S.C. § 102 as anticipated by Keenan (Ground 1);
- Whether claims 1-4, 7-11, and 15-18 are unpatentable under 35 U.S.C. § 103 as obvious over Zheng, Baker, and Jones (Ground 2);
- Whether claims 2, 9, and 17 are unpatentable under 35 U.S.C. § 103 as obvious over Zheng, Baker, Jones, and Galliano (Ground 3);
- Whether claims 1-20 are unpatentable under 35 U.S.C. § 103 as obvious over Zheng, Baker, Jones, and Keenan (Ground 4);

- Whether claims 2, 5-6, 9, 12-14, 17, and 19-20 are unpatentable under 35 U.S.C. § 103 as obvious over Zheng, Baker, and Jones in further view of the knowledge of a person of ordinary skill in the art (Ground 5);
- Response to any arguments and evidence raised in, or in support of, Petitioner's Petition and Petitioner's Reply;
- Response to any issues specified by Petitioner in its request for oral argument;
- Any issues raised in the briefing pursuant to the schedule; and
- Any other outstanding motions and pleadings, and other issues that the Board deems necessary for issuing a Final Written Decision and issues that may arise during oral argument.

Additionally, ThreatModeler reserves the right to address any arguments presented by Petitioner and any other issues about which the Board wishes to hear arguments during the oral hearing.

ThreatModeler also requests permission to use audio and visual equipment to display demonstratives and exhibits to the Board during the oral hearing.

If the Board decides to conduct the oral argument remotely via video conference or the like, Patent Owner requests the ability to present demonstratives and exhibits to the Board remotely. Further, Patent Owner requests the ability to

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Patent Owner's Request for Oral Argument

have additional counsel (including backup counsel) and one or more client representatives attend the video conference from separate locations.

Dated: May 22, 2024

Respectfully submitted,

/s/ Donald L. Jackson

Donald L. Jackson (Reg. No. 41,090)

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Counsel for Patent Owner

CERTIFICATE OF SERVICE

I hereby certify that on May 22, 2024, a true and correct copy of the foregoing document was served via email, by consent, to Petitioner at the correspondence email addresses of record as follows:

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/s/ Donald L. Jackson

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