UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

IRIUSRISK, INC.,
Petitioner,

v.

THREATMODELER SOFTWARE, INC.,
Patent Owner.

Case IPR2023-00821
Patent 10,699,008

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 November 15, 2023 Scheduling Order (Paper 8) setting oral argument, if requested, on August 14, 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 '008 patent;
- Whether claims 1 and 3 are unpatentable under 35 U.S.C. § 102 as anticipated by Jones (Ground 1);
- Whether claims 1-20 are unpatentable under 35 U.S.C. § 103 as obvious over Jones, Zheng, and Keenan (Ground 2);
- Whether claims 1-20 are unpatentable under 35 U.S.C. § 103 as obvious over Jones, Zheng, Keenan, and Yu (Ground 3);
- Whether claims 1-20 are unpatentable under 35 U.S.C. § 103 as obvious over Jones, Zheng, Keenan, Yu, and Reith (Ground 4);

- Whether claims 5-8, and 13-15 are unpatentable under 35 U.S.C. § 103 as obvious over Jones, Zheng, Keenan, Yu, and Reith 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

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

Dated: July 3, 2024

Respectfully submitted,

/s/ Donald L. Jackson

Donald L. Jackson (Reg. No. 41,090)
RIMÔN P.C.
8300 Greensboro Dr., Suite 500
McLean, VA 22102
Tel.: 571-765-7703
Email: Donald.Jackson@rimonlaw.com

CERTIFICATE OF SERVICE

I hereby certify that on July 3, 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:

Brent Yamashita Reg. No. 53,808 DLA Piper LLP (US) 2000 University Avenue East Palo Alto, California 94303-2214 Phone: 650.833.2348 Fax: 650.833.2001 Email: brent.yamashita@us.dlapiper.com	Blake Jackson Reg. No. 66,272 DLA Piper LLP (US) 2000 University Avenue East Palo Alto, California 94303-2214 Phone: 650.833.2248 Fax: 650.687.1148 Email: blake.jackson@us.dlapiper.com Matthew Middleton Reg. No. 77,117 DLA Piper LLP (US) 1201 N. Market St., Suite 2100 Wilmington, Delaware 19801-1147 Phone: 302.468.5675 Fax: 302.778.7935 Email: matthew.middleton@us.dlapiper.com

/s/ Donald L. Jackson
Donald L. Jackson (Reg. No. 41,090)
Counsel for Patent Owner