UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MAPLEBEAR INC. D/B/A INSTACART,
Petitioner,

v.

CONSUMERON, LLC,
Patent Owner.

Case IPR2023-00865
U.S. Patent No. 11,238,465

PATENT OWNER'S REQUEST FOR ORAL HEARING

Pursuant to 37 C.F.R. § 42.70(a), Patent Owner, Consumeron, LLC ("Patent Owner"), requests the opportunity to present oral argument in this matter. The oral argument is presently scheduled for August 27, 2024. *See* Paper 10 at 11.

Patent Owner's preference is for a virtual hearing before the Patent Trial and Appeal Board.

The issues to be argued with respect to IPR2023-00865 include the following:

1. Whether Petitioner has met its burden of proving that Challenged Claims 1, 4-5, 8-9, 11-12, 14, and 16-17 of the '465 Patent are unpatentable as obvious under 35 U.S.C. § 103 over Carr and Lauka;
2. Whether Petitioner has met its burden of proving that Challenged Claims 2-3, 10, and 15 of the '465 Patent are unpatentable as obvious under 35 U.S.C. § 103 over Carr, Lauka, and Yee;
3. Whether Petitioner has met its burden of proving that Challenged Claims 6-7 of the '465 Patent are unpatentable as obvious under 35 U.S.C. § 103 over Carr, Lauka, and Cincotta;
4. Whether Petitioner has met its burden of proving that Challenged Claim 13 of the '465 Patent are unpatentable as obvious under 35 U.S.C. § 103 over Carr, Lauka, and Argue;

5. Whether Petitioner has met its burden of proving that Challenged Claims 18-19 of the ’465 Patent are unpatentable as obvious under 35 U.S.C. § 103 over Carr, Lauka, and Dearing;
6. Any claim construction disputes raised by the parties;
7. Patent Owner’s and Petitioner’s Motion to Exclude Evidence, if any;
8. Any additional issues on which the Board seeks clarification; and
9. Rebuttal of any arguments made by Petitioner.

Petitioner is the party with the burden of proof and will present first at the oral hearing. Patent Owner will address any issues raised by Petitioner, or questions raised by the Board during presentation. Patent Owner also respectfully reserves the right to supplement and/or amend the foregoing statement of issues to the extent the Rules permit.

The Patent Owner requests that the argument in IPR2023-00865 be a total of sixty (60) minutes for each side’s arguments addressing the ’465 Patent, with the opportunity to reserve a portion of that time for rebuttal.

Dated: July 15, 2024

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(Case No. IPR2023-00865)

CERTIFICATE OF SERVICE

The undersigned certifies, in accordance with 37 C.F.R. § 42.6(e), that service was made on Petitioner as detailed below.

Date of service	July 15, 2024
Manner of service	Electronic Mail (raghav.bajaj.ipr@haynesboone.com; scott.jarratt.ipr@haynesboone.com; angela.oliver.ipr@haynesboone.com; lyric.stephenson.ipr@haynesboone.com)
Documents served	PATENT OWNER'S REQUEST FOR ORAL HEARING
Persons Served	HAYNES AND BOONE, LLP Raghav Bajaj Scott T. Jarratt Angela M. Oliver Destiny L. Stephenson

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