UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Mercedes-Benz USA, LLC,
Petitioner,

v.

Yechezkal Evan Spero,
Patent Owner.

IPR2023-01040
Patent 9,955,551

PETITIONER'S REQUEST FOR ORAL ARGUMENT

Filed on behalf of Petitioner:
Celine Jimenez Crowson (Reg. No. 40,357)
Joseph J. Raffetto (Reg. No. 66,218)
Scott Hughes (Reg. No. 68,385)
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Pursuant to 37 C.F.R. § 42.70(a) and the Board's Scheduling Order issued December 12, 2023 (Paper 11), Petitioner Mercedes-Benz USA, LLC ("**Petitioner**") respectfully requests oral argument in this proceeding (the "**1040 IPR**"), currently scheduled for September 17, 2024. Petitioner further requests that oral argument in this proceeding be consolidated with oral argument in related proceeding IPR2023-01039 (the "**1039 IPR**"), which also involves U.S. Patent No. 9,955,551 (the "**'551 Patent**"). Petitioner requests 75 minutes of argument per side in the requested consolidated hearing, and requests that the oral argument take place in person at the USPTO's Alexandria, Virginia headquarters. The parties have conferred and agreed that a combined in-person hearing for the 1039 IPR and 1040 IPRs at the USPTO's Alexandria headquarters is appropriate. The parties do not agree on the amount of time for oral argument.

Petitioner requests that the following issues be argued in the consolidated proceeding:

- Whether claims 24-27, 29-35, 37-43, 45-48, 50-51, 53-59, 61-67, 69-75, 77-83, and 85-87 of the '551 Patent are anticipated and/or rendered obvious by U.S. Patent Application Publication No. 2003/0137849 ("**Alden**");

- Whether claims 28, 36, 44, 52, 60, 68, 76, and 84 of the ’551 Patent are rendered obvious by Alden in view of U.S. Patent No. 6,049,749 (“**Kobayashi**”);
- Whether claims 8 and 10-14 of the ’551 Patent are rendered obvious by Alden in view of U.S. Patent Application Publication No. 2002/0057572 (“**Kondo**”);
- Whether claims 15-18 of the ’551 Patent are rendered obvious by Alden in view of Kondo and further in view of WIPO Patent Publication No. 2001/07538 (“**Stam**”);
- Whether claim 49 of the ’551 Patent is rendered obvious by Alden in view of U.S. Patent No. 6,144,158 (“**Beam**”);
- Any issues Petitioner raised in its Petitions and Replies in support of the Petitions;
- Any issues Patent Owner raised in its Responses and Sur-Replies to the Petitions;
- Any issues specified by Patent Owner in its requests for oral argument;
- Any issues raised in motions to exclude (if any), or any other motion or paper filed in the 1039 and 1040 IPR proceedings; and

- Any other issues that the Board deems necessary for issuing a Final Written Decision.

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

Dated: July 30, 2024

Respectfully submitted,

/s/ Celine Jimenez Crowson

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Counsel for Petitioner Mercedes-Benz USA, LLC

Certificate of Service

Pursuant to 37 C.F.R. § 42.6(e), this is to certify that on this 30st day of July, 2024, I caused to be served a true and correct copy of the foregoing **PETITIONER'S REQUEST FOR ORAL ARGUMENT** by e-mail on the following parties (as agreed in the Patent Owner's Updated Mandatory Notice):

Sangeeta G. Shah (Lead Counsel)
Jeffrey M. Szuma (Back-up Counsel)
Andrew B. Turner (Back-up Counsel)
Bernard P. Tomsa (Back-up Counsel)
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/s/ *Ky-Yen Wong*
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