

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BIONTECH SE AND PFIZER INC.,
Petitioner

v.

MODERNA TX, INC.,
Patent Owner

Case No. IPR2023-01358
Patent No. 10,702,600

PETITIONER'S REQUEST FOR ORAL ARGUMENT

Pursuant to 37 C.F.R. § 42.70 and the Board’s Scheduling Order dated March 12, 2024 (Paper 18), Petitioner requests Oral Argument on issues related to the patentability of challenged claims 1, 2, 4-6, 8-12, 16, 17, 20, 21, and 26 of U.S. Patent No. 10,702,600 (“the ’600 patent”). Petitioner wishes to present argument on the following issues:

- Grounds for which *inter partes* review was instituted for the ’600 patent and any issue raised in the Board’s Institution Decision dated March 6, 2024 (Paper 17);
- Any issue addressed in Petitioner’s papers, including, but not limited to, the Petition and Petitioner’s Reply Brief; and
- Rebuttal to Patent Owner’s presentation on all issues, including the issues listed above and any issues raised in Patent Owner’s Response, Patent Owner’s Sur-Reply, or any other paper submitted by Patent Owner.

The Board previously scheduled the Oral Hearing for December 10, 2024 for this proceeding as well as IPR2023-01359. (Paper 18 at 12.) Petitioner believes the parties should be allocated 90 minutes per side to present arguments in a consolidated hearing for both proceedings. Petitioner requests an in-person hearing at the United States Patent and Trademark Office in Alexandria, VA. Petitioner

further requests that a public teleconference and videoconference link be made available.

Consistent with the Board's guidance (Paper 18 at 6-7), Petitioner confirms that it expects that more than five individuals will attend the argument on its behalf.

Respectfully submitted,

Dated: October 23, 2024

By: /David M. Krinsky/
David M. Krinsky (Reg. No. 72,339)
Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on October 23, 2024, I caused the foregoing Petitioner's Request for Oral Argument to be served on counsel for Patent Owner via email at:

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By: /David M. Krinsky /
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