

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

JUUL LABS, INC.,

Petitioner,

v.

NJOY, LLC,

Patent Owner.

Case 2024-00160
U.S. Patent No. 11,497,864

PATENT OWNER'S REQUEST FOR ORAL ARGUMENT

Pursuant to 37 C.F.R. § 42.70 and the Board's Scheduling Order, Patent Owner NJOY, LLC respectfully submits this Request for Oral Argument. The Board has currently scheduled the oral hearing in IPR2024-00160 for February 25, 2025.

Patent Owner specifies the following issues to be argued:

- Whether claims 1-48 of U.S. Pat. No. 11,497,864 ("864 Patent") are unpatentable under 35 U.S.C. § 103 as obvious over CN201238610 ("Xia") alone.
- Whether claims 1-48 of the 864 Patent are unpatentable under 35 U.S.C. § 103 as obvious over Xia in view of CN101366554 ("Wang") or CN 201085044Y ("Fang").
- Whether claims 1-48 of the 864 Patent are unpatentable under 35 U.S.C. § 103 as obvious over Wang alone.
- Whether claims 1-48 of the 864 Patent are unpatentable under 35 U.S.C. § 103 as obvious over Wang in view of Fang.
- Any other issue raised by the parties' papers.
- Any issue raised by any motion to exclude.
- Any objections to demonstrative exhibits.
- Any other issue the Board deems necessary for issuing a final written decision.

The Board has also currently scheduled an oral hearing on February 25, 2025, for one related proceeding: IPR2024-00161. Patent Owner requests that both proceedings (IPR2024-00160, IPR2024-00161) be consolidated into a single hearing.

Patent Owner requests that the hearing be conducted virtually by videoconference.

Patent Owner requests a ninety (90) minute hearing and that the Board allocate forty-five (45) minutes to Patent Owner to address the issues identified below and the related issues identified in Patent Owner's Request for Oral Argument in IPR2024-00161. Petitioner informed Patent Owner by email on January 8, 2025 that it may request a one-hundred-fifty (150) minute hearing with seventy-five (75) minutes being allocated to each party. The parties conferred on January 9, 2025 but were unable to reach an agreement. To the extent the Board schedules the hearing to last more than ninety (90) minutes, Patent Owner requests that it be given half the length of the hearing to address these issues.

Date: January 10, 2025

By: /Anish R. Desai/

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on January 10, 2025, the foregoing
PATENT OWNER'S REQUEST FOR ORAL ARGUMENT was served via
electronic mail, upon the following:

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