

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SRAM, LLC,

Petitioner,

v.

FOX Factory, Inc.,

Patent Owner.

U.S. Patent No. 8,550,223 B2

Filing Date: May 11, 2009

Issue Date: October 8, 2013

Title: METHODS AND APPARATUS FOR POSITION SENSITIVE
SUSPENSION DAMPENING

Case No. IPR2024-00216

PETITIONER'S REQUEST FOR ORAL ARGUMENT

Pursuant to 37 C.F.R. § 42.70(a) and the Scheduling Order (Paper 12), Petitioner SRAM, LLC (“SRAM”) respectfully requests an opportunity to present oral argument regarding the unpatentability of the challenged claims of U.S. Patent No. 8,550,223 (“the ‘223 patent”) preferably to be held in person. Petitioner has conferred with Patent Owner and the parties agree to conduct oral argument in person. The Board has already preliminarily scheduled an Oral Argument for this matter on March 7, 2025. *See* Paper 12 at 11.

Petitioner respectfully requests that the Board provide Petitioner sixty (60) minutes in which to present its arguments, and provide Patent Owner with the same amount of time to present its arguments. To the extent that the Board schedules the hearing to last shorter or longer, Petitioner requests that it be given half the length of the scheduled hearing time to address its issues.

With regard to the ‘223 patent, and without waiving consideration of any other issue not listed below, Petitioner requests to address the following issues, including all instituted grounds of unpatentability for claims 1-9, 11-15, and 19 of the ‘223 Patent:

1. Whether claims 1–9, 11–15, and 19 of the ‘223 patent are unpatentable under 35 U.S.C. § 102 as being anticipated by *Nakaya*, or as obvious under 35 U.S.C. § 103 over *Nakaya*, either alone or in view of *Kodama*.

2. Whether claims 1–5, 9, 11–15, and 19 of the ‘223 patent are unpatentable under 35 U.S.C. § 102 as being anticipated by *Chen*, or as obvious under 35 U.S.C. § 103 over *Chen*, either alone or in view of *Deferme*.
3. Whether claims 1–5, 9, 11–15, and 19 of the ‘223 patent are unpatentable as obvious under 35 U.S.C. § 103 over *Fox ‘751* in view of *Chen*.
4. Whether claims 5–9 of the ‘223 patent are unpatentable as obvious under 35 U.S.C. § 103 over *Fox ‘751* in view of *Chen* and further in view of *Nakaya* and/or *Kodama*.
5. Whether claims 1–5, 9, and 19 of the ‘223 patent are unpatentable under 35 U.S.C. § 102 as being anticipated by *Gartner*, or as obvious under 35 U.S.C. § 103 over *Gartner* in view of *Kodama*.
6. Any Motion(s) to Exclude Evidence.
7. Rebuttal of any arguments made by Patent Owner.
8. Response to issues Patent Owner raises in its Request for Oral Argument or otherwise raised by the Board.

Petitioner respectfully reserves the right to supplement and/or amend the foregoing statement of issues to the extent the Rules permit.

At oral argument, Petitioner requests the use of audiovisual display equipment to present demonstratives and record evidence, including the use of a projector and screen. In accordance with the Consolidated Trial Practice Guide of November

2019, Petitioner will contact the Board Trial Division paralegal to discuss this request. Additionally, Petitioner also requests the services of a court reporter for transcription of the oral argument in the above-identified proceedings.

Petitioner further requests that that up to four spaces be reserved at the oral hearing to accommodate its counsel and corporate representatives. Petitioner also requests that the attorney(s) at Petitioner's counsel table be allowed to use a computer at the hearing (in addition to the counsel making the argument using his computer to show the demonstratives), to facilitate efficient answering of panel questions.

Date: January 24, 2025

Respectfully Submitted,

LEWIS RICE LLC

By:

A handwritten signature in blue ink, appearing to read "Michael J. Hickey".

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Petitioner's Request for Oral Argument was served on January 24, 2025, by email at the following address of record for Patent Owner's counsel:

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