

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NJOY, LLC and NJOY HOLDINGS, INC.,

Petitioners,

v.

JUUL LABS, INC.,

Patent Owner.

Case 2024-00231
U.S. Patent No. 10,130,123

PETITIONERS' REQUEST FOR ORAL ARGUMENT

Pursuant to 37 C.F.R. § 42.70 and the Board’s Scheduling Order, Petitioners NJOY, LLC and NJOY Holdings, Inc. respectfully submit this Request for Oral Argument. Petitioners specify the following issues to be argued:

- Whether claims 14, 27, and 32 of U.S. Pat. No. 10,130,123 (“123 Patent”) are unpatentable under 35 U.S.C. § 102 as anticipated by U.S. Patent Publication No. 2015/0245658 (“Worm”).
- Whether claims 14, 27, and 32 of the 123 Patent are unpatentable under 35 U.S.C. § 103 as obvious over Worm in view of the knowledge of a person of ordinary skill in the art (“POSA”).
- Whether claims 14, 27, and 32 of the 123 Patent are unpatentable under 35 U.S.C. § 103 as obvious over Worm in view WO 2012/142293 (“Levitz”).
- Whether claims 14, 27, and 32 of the 123 Patent are unpatentable under 35 U.S.C. § 103 as obvious over U.S. Patent Publication No. 2014/0318559 (“Thorens”) and U.S. Patent Publication No. 2015/0020831 (“Weigensberg”) in view of the knowledge of a POSA.
- Whether claims 14, 15, 16, 18, 27, 28, 29, and 31 of the 123 Patent are unpatentable under 35 U.S.C. § 103 as obvious over Worm in view of U.S. Patent Publication 2016/0128389 (“Lamb”).

- Whether claims 14, 15, 16, 18, 27, 28, 29, and 31 of the 123 Patent are unpatentable under 35 U.S.C. § 103 as obvious over Worm and the knowledge of a POSA further in view of Lamb.
- Whether claims 14, 15, 16, 18, 27, 28, 29, and 31 of the 123 Patent are unpatentable under 35 U.S.C. § 103 as obvious over Worm and Levitz further in view of Lamb.
- Whether claims 14, 15, 16, 18, 27, 28, 29, and 31 of the 123 Patent are unpatentable under 35 U.S.C. § 103 as obvious over Thorens and Weigensberg further in view of Lamb.
- 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.

Petitioners request that the hearing be conducted virtually by videoconference. Petitioners request the ability to present demonstratives and exhibits to the Board remotely. Further, Petitioners request the ability to have additional counsel (including backup counsel) attend the argument from separate locations.

Petitioners respectfully request a 120 minute hearing and that the Board allocate 60 minutes to Petitioners to address the issues identified above.

Date: January 29, 2025

By: /Anish R. Desai/

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on January 29, 2025, the foregoing
PETITIONERS' REQUEST FOR ORAL ARGUMENT was served via
electronic mail, upon the following:

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