UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner

v.

CARBYNE BIOMETRICS, LLC,
Patent Owner

IPR2024-00329
U.S. Patent 9,972,010

PETITIONER'S REQUEST FOR ORAL ARGUMENT

In accordance with 37 C.F.R. § 42.70(a), Petitioner hereby requests oral argument in the present *inter partes* review. Per the Board's Scheduling Order (Paper 11), the oral argument is scheduled for May 1, 2025.

The Scheduling Order indicates that the parties may request that oral argument be held in-person at the USPTO headquarters in Alexandria, Virginia. ***Petitioner hereby requests oral argument be held in-person at USPTO headquarters in Alexandria, Virginia***. The parties have met and conferred, and Patent Owner has indicated through counsel that it does not agree to in-person argument. Petitioner understands the Scheduling Order to indicate that PTAB will only conduct an in-person hearing when it is requested by all parties. However, Petitioner requests reconsideration of that policy in view of changes to the Board's practices that have occurred since the Scheduling Order or that may occur prior to the setting of oral argument.

Petitioner requests 45 minutes of total oral argument per side.

I. Issues to be Presented at Oral Argument

During the oral argument, Petitioner requests the opportunity to present oral argument on all of the issues raised in the papers pertaining to the instituted grounds, including:

- the unpatentability of claims 1-2, 4-6, 9-10, 12-14, 17, 20-21, and 23

as obvious under 35 U.S.C. §103(a) over Stone in view of Hoyos;

- the unpatentability of claims 7, 15 and 22 as obvious under 35 U.S.C. §103(a) over Stone, Hoyos, and Varghese;
- the unpatentability of claims 1-2, 4-7, 9-10, 12-15, 17, and 20-23 as obvious under 35 U.S.C. §103(a) over Stone in view of FFIEC Guidance;
- any issue raised in the Board's Institution Decision (Paper 10);
- Patent Owner's Response (Paper 17), Petitioner's Reply (Paper 19), or Patent Owner's Sur-reply (Paper 20), including parties' claim construction and/or prior art arguments;
- any issue raised in any paper of record in this proceeding;
- any issue raised by Patent Owner in its request for oral argument; and
- any issue raised by the Board during the oral argument or for which the Board seeks clarification.

II. Request for Use of the Board's Large Hearing Room

Petitioner respectfully asks that the hearing be scheduled in the Board's large hearing room "A," if possible, to accommodate all of the individuals who desire to attend and observe the hearing.

III. Conclusion

If the Board has any questions for the parties, the undersigned attorney respectfully requests a telephone conference.

Respectfully submitted,

Date: March 20, 2025

/*David W. O'Brien*/

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CERTIFICATE OF SERVICE

The undersigned certifies, in accordance with 37 C.F.R. § 42.6, that service was made on the Patent Owner as detailed below.

Date of service	March 20, 2025
Manner of service	Electronic Mail: rkamprath@mckoolsmith.com; gfishback@mckoolsmith.com; Carbyne_Apple@mckoolsmith.com
Documents served	**Petitioner's Request for Oral Argument**
Persons served	Richard A. Kamprath MCKOOL SMITH, P.C. 300 Crescent Court, Suite 1500 Dallas, Texas 75201 George Fishback MCKOOL SMITH, P.C. 303 Colorado Street, Suite 2100 Austin, Texas 78701

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