

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Askeladden L.L.C.,
Petitioner

v.

Calabrese Stemer LLC,
Patent Owner

Case: IPR2024-00368
Patent No. US 8,783,564 B2

Patent Owner's Request for Oral Hearing

Pursuant to 37 C.F.R. § 42.70(a) and to the Scheduling Order, Paper 8, Patent Owner herewith submits that an Oral Hearing should not be necessary in this matter. It is Patent Owner's preference not to conduct an Oral Argument since the instant IPR can be decided on the written record.

Should the Board come to the conclusion that an Oral Hearing should be conducted, Patent Owner submits:

Patent Owner and Petitioner have conferred with regard to the Oral Hearing and have not come to an agreement. According to the Scheduling Order:

To the extent the parties disagree, they should meet and confer; if the dispute cannot be resolved by meeting and conferring, the parties should inform the Board of each party's individual preferences. PTAB will only conduct an in-person hearing when requested by all parties.

Paper 8, at 7 (emphasis in original).

Patent Owner requests that the oral argument be conducted virtually by video conference and as a consolidated hearing for the three related IPRs, namely, IPR2024-00367, IPR2024-00368, and IPR2024-00369.

Patent Owner further requests that it be given one (1) hour to present its argument in a consolidated hearing for the three related IPRs, namely, IPR2024-00367, IPR2024-00368, and IPR2024-00369. Patent Owner does not foresee the need to present demonstratives.

Patent Owner plans to argue the following issues:

1. Whether the challenged claims are anticipated by Horie;
2. Whether the challenged claims are obvious over Horie;
3. The claim construction arguments presented in the briefing of both parties;
4. The weight of the secondary considerations in the consideration of obviousness;
5. The level of ordinary skill in the art and the weight of argument to be afforded to Petitioner's expert testimony;
6. Any arguments raised in Petitioner's presentation or questions that may not have been properly discussed prior to the oral argument;
7. Any outstanding motions, pleadings, or other issues that the Board raises or deems necessary for issuing a Final Written Decision.

Respectfully submitted,

/Werner H. Stemer/

Werner H. Stemer
Calabrese Stemer LLC

February 14, 2025