

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FREEWHEEL MEDIA, INC.,
Petitioner,

v.

ALMONDNET, INC.,
Patent Owner.

Case IPR2024-00413
Patent 7,979,307

PETITIONER'S REQUEST FOR ORAL ARGUMENT

FreeWheel Media, Inc. (“Petitioner”) hereby requests oral argument under 37 C.F.R. § 42.70 and the Board’s September 9, 2024 Scheduling Order (Paper 11). Oral argument is currently scheduled for June 18, 2025 per the Board’s Revised Scheduling Order (Paper 21).

Petitioner requests argument on all grounds accepted for trial in the Institution Decision and any questions that the Board may have, including:

A. Whether claims 1-3, 7, and 9 are unpatentable under 35 U.S.C. § 103 over Merriman in view of Jaye;

B. Whether claims 1-3, 7, and 9 are unpatentable under 35 U.S.C. § 103 over Roth in view of Jaye;

C. Whether claims 1-3, 7, and 9 are unpatentable under 35 U.S.C. § 103 over Merriman in view of Minor;

D. Whether claims 1-3, 7, and 9 are unpatentable under 35 U.S.C. § 103 over Roth in view of Minor;

E. Whether claims 4-6 are unpatentable under 35 U.S.C. § 103 over Merriman in view of Jaye and Coleman;

F. Whether claims 4-6 are unpatentable under 35 U.S.C. § 103 over Merriman in view of Minor and Coleman;

G. Whether claims 4-6 are unpatentable under 35 U.S.C. § 103 over Roth in view of Jaye and Coleman;

H. Whether claims 4-6 are unpatentable under 35 U.S.C. § 103 over Roth in view of Minor and Coleman;

I. Whether claim 2 is unpatentable under 35 U.S.C. § 103 over Merriman in view of Jaye and Herz;

J. Whether claim 2 is unpatentable under 35 U.S.C. § 103 over Merriman in view of Minor and Herz;

K. Whether claim 2 is unpatentable under 35 U.S.C. § 103 over Roth in view of Jaye and Herz;

L. Whether claim 2 is unpatentable under 35 U.S.C. § 103 over Roth in view of Minor and Herz;

M. Whether claims 3 and 6 are unpatentable under 35 U.S.C. § 103 over Merriman in view of Jaye and Gardner;

N. Whether claims 3 and 6 are unpatentable under 35 U.S.C. § 103 over Merriman in view of Minor and Gardner;

O. Whether claims 3 and 6 are unpatentable under 35 U.S.C. § 103 over Merriman in view of Jaye, Herz, and Gardner;

P. Whether claims 3 and 6 are unpatentable under 35 U.S.C. § 103 over Merriman in view of Minor, Herz, and Gardner;

Q. Whether claims 3 and 6 are unpatentable under 35 U.S.C. § 103 over Roth in view of Jaye and Gardner;

R. Whether claims 3 and 6 are unpatentable under 35 U.S.C. § 103 over Roth in view of Minor and Gardner;

S. Whether claims 3 and 6 are unpatentable under 35 U.S.C. § 103 over Roth in view of Jaye, Herz, and Gardner; and

T. Whether claims 3 and 6 are unpatentable under 35 U.S.C. § 103 over Roth in view of Minor, Herz, and Gardner.

Furthermore, Petitioner requests argument on any additional issues that Patent Owner may seek to raise on oral argument including rebuttal to any material in Patent Owner's presentation, any additional issues raised in papers filed in this proceeding to include Patent Owner's Response or Sur-Reply, any additional issues raised in papers which are yet to be filed such as Motions to Exclude and Oppositions to Motions to Exclude, and any other filings, motions, pleadings, or issues deemed necessary by the Board for issuing a Final Written Decision.

On April 3, 2025, the Board authorized the parties to align the oral argument date of the present proceeding with IPR2024-00416 due to the highly overlapping issues, which involve patents in the same family and the same prior art. The oral argument orders in both proceedings provide the availability of differing USPTO regional offices for in-person oral arguments. In view of the differing locations mentioned in the oral argument orders, Petitioner would prefer a single in-person oral argument at the USPTO's preferred location. Petitioner's counsel contacted

Patent Owner's counsel concerning whether the hearing should be conducted in-person or via video conference. Patent Owner's counsel indicated they intend to request a remote hearing.

Given the number of combinations of prior art and number of challenged claims, Petitioner suggests that an allocation of one hour of time per side would be appropriate for a single oral argument for both this proceeding (IPR2024-00413) and IPR2024-00416.

Finally, Petitioner notes that, due to the recent Panel Change Order (Paper 22) in this proceeding (IPR2024-00413), the panel in this proceeding is different from the panel in IPR2024-00416. The issues are exceedingly close in the -00413 and -00416 IPRs such that it may be most efficient to have only a single oral argument for both cases.

Dated: May 22, 2025

By: /Frederic M. Meeker/

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.105, I hereby certify that I caused a true and correct copy of this **PETITIONER'S REQUEST FOR ORAL ARGUMENT** in connection with IPR2024-00413 to be served via e-mail on May 22, 2025, in its entirety on the following counsel of record for Patent Owner:

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Dated: May 22, 2025

By: /Carlos Goldie/

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