

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Casper Sleep Inc.,
Petitioner,

v.

Werner Media Partners, LLC,
Patent Owner.

U.S. Patent 10,842,301
IPR2024-00474

PETITIONER'S REQUEST FOR ORAL ARGUMENT

Pursuant to 37 C.F.R. § 42.70 and the Board's Scheduling Order dated April 26, 2024 (Paper 8), Petitioner requests oral argument, which is currently scheduled for Friday, January 24, 2025. Petitioner expects to argue the following issues at oral argument:

1. Claims 1-2 of U.S. Patent No. 10,842,301 are obvious based on the four grounds identified in the Board's Decision Granting Institution of this IPR dated April 26, 2024 (Paper 7).
2. Patent Owner's alleged objective indicia of non-obviousness do not render Claims 1-2 of U.S. Patent No. 10,842,301 non-obvious.
3. Definition of a person of ordinary skill in the art in this proceeding.
4. Claim interpretations involved in any of the patentability issues, including interpretation of claim terms "solid ... foam block" and "cracking said block."
5. Any other issues raised in papers filed in this proceeding, including issues raised in papers yet to be filed or filed concurrently, including without limitation Petitioner's Board-authorized Motion to Strike.
6. Any other outstanding issues, motions, or pleadings that the Board deems necessary for issuing a Final Written Decision.

Petitioner requests that the oral argument take place in person at USPTO headquarters in Alexandria, Virginia. Petitioner further request permission to use

audio/visual equipment at the oral argument, including a projector and screen for displaying demonstratives and/or exhibits.

Petitioner believes that 60 minutes will be needed to fully address the multiple issues in this case and therefore requested 60 minutes of argument per side.

In addition, one of Petitioner's counsel (Mr. Koffsky) is Sabbath observant. Since the oral argument is scheduled for a Friday, Petitioner respectfully requests that the oral argument be scheduled to conclude no later than 3 pm. Counsel for Patent Owner does not oppose this scheduling request.

Respectfully submitted,

Dated: December 13, 2024

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Counsel for Petitioner Casper Sleep Inc.

CERTIFICATE OF SERVICE

The undersigned certifies that, in accordance with 37 C.F.R. § 42.6(e) and 37 C.F.R. § 42.205, service was made on Patent Owner as detailed below.

Date of Service December 13, 2024

Manner of Service Email to patent@assoulineberlowe.com,
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Document Served - This Petitioner's Request for Oral Argument

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