UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NINTENDO CO., LTD., and
NINTENDO OF AMERICA INC.,
Petitioners

v.

AMERICAN GNC CORPORATION,
Patent Owner

Case No. IPR2024-00667
U.S. Patent No. 6,508,122 B1

PETITIONERS' REQUEST FOR ORAL HEARING

Pursuant to 37 C.F.R. § 42.70(a), Petitioners Nintendo Co., Ltd. and Nintendo of America Inc., request an oral hearing on all grounds of unpatentability raised in this proceeding. Petitioners also request oral hearing (without intending to waive any issue not specifically identified) on any issues raised by Patent Owner American GNC Corporation in its Request for Oral Hearing, any procedural or evidentiary issues raised by the parties, and any additional issues or questions raised by the Board or the parties before or during the oral argument.

Petitioners request 60 minutes total to present their argument. To the extent the Board schedules the hearing to last more than 120 minutes total or provides further opportunity to address the issues (such as a closing statement), however, Petitioners request that they should be given an opportunity equal to that of Patent Owner.

Consistent with the Board's guidance, Petitioners prefer that the oral hearing be held in person at the USPTO headquarters in Alexandria, Virginia, to the extent practicable including the capacity of the hearing room. Petitioners believe that there will be more than five attorneys and client representatives present for this oral hearing on behalf of Petitioners.

Should arguments take place in person, Petitioners request that their attorneys be allowed to use computers at the hearing (in addition to the counsel making the argument using his or her computer to show the demonstratives) to avoid the need

for the parties to bring entire paper copies of the record into the hearing room and to facilitate efficient answering of panel questions. Petitioners further request audio-visual equipment suitable to display papers of record and demonstrative exhibits, including a computer-connectable projector, an ELMO, and a screen.

Petitioners further request the services of a court reporter to transcribe the proceeding.

Dated: April 22, 2025

Respectfully submitted,

/s/ Matthew J. Brigham
Matthew J. Brigham
Reg. No. 44,047
Counsel for Petitioner

COOLEY LLP
ATTN: Patent Group
1299 Pennsylvania Avenue NW
Suite 700
Washington, DC 20004
Tel: (650) 843-5677
Fax: (650) 849-7400

CERTIFICATE OF SERVICE

I hereby certify, pursuant to 37 C.F.R. Sections 42.6, that a complete copy of the attached **PETITIONERS' REQUEST FOR ORAL HEARING** and related documents, are being served via electronic mail on the 22d day of April 2025, upon Patent Owner's counsel as follows:

Brenda Entzminger
Reg. No. 76,896
Corey Johanningmeier, Back-up Counsel
(*pro hac vice*)
Bunsow De Mory LLP
701 El Camino Real
Redwood City, CA 94063
Telephone: 650-351-7248
Facsimile: 415-426-4744
bentzminger@bdiplaw.com
cjohanningmeier@bdiplaw.com

Dated: April 22, 2025 *<u>/s/ Matthew J. Brigham</u>*
Matthew J. Brigham