

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SOLARIS OILFIELD SITE SERVICES OPERATING, LLC and SOLARIS
OILFIELD SITE SERVICES PERSONNEL, LLC,
Petitioners,

v.

MASABA, INC.
Patent Owner.

Case No. IPR2024-01179

Patent No. 11,780,689

Issue Date: October 10, 2023

Title: Aggregate Transferring System

**PATENT OWNER'S REQUEST FOR ORAL ARGUMENT
PURSUANT TO 37 C.F.R. § 42.70(a)**

Pursuant to 37 C.F.R. § 42.70(a) and the Board’s Scheduling Order (Paper 8), Patent Owner Masaba, Inc. hereby requests an oral hearing on the issues set forth below at a time to be set by the Board. Oral argument is currently scheduled for November 13, 2025.

Patent Owner and Petitioners have agreed that the parties be given 60 minutes per side to present oral argument, subject to Board approval. Patent Owner requests that oral argument be in person with the capability to display documents and demonstrative exhibits to the Board. Patent Owner requests oral argument on the following issues raised in the parties’ filings:

1. Whether Petitioners’ expert, Dr. Durham, is qualified to testify as an expert in this matter.

2. Whether Petitioners have met their burden to prove that claims 1-2, 4-11, 16-20, and 22-24 are unpatentable under Grounds 1 and 1A for obviousness in view of *Waldner* and *Dynatek* and *Sleeman* and particularly (1) whether Petitioners have met their burden to show that it would have been obvious to substitute *Dynatek*’s belt conveyor for *Waldner*’s chute to create the invention of claim 1 (and other independent claims); (2) whether Petitioners have met their burden to show that *Waldner* teaches “a conveyor support frame...being movable with respect to the deployable frame of the aggregate elevating assembly when

the extension conveyor moves between the lowered position and the raised position” in claim 6; and (3) whether Petitioners have met their burden to show that *Waldner* teaches actuators that are extendable/retractable to...move the extension conveyor to the raised/lowered position as required by claim 7.

3. Whether Petitioners have met their burden to prove that claims 6 and 7 are unpatentable under Grounds 2 and 2A for obviousness in view of *Waldner*, *Dynatek*, *Sleeman*, and *Pham* and particularly (1) whether Petitioners have met their burden to provide a valid reason to combine *Pham* with *Dynatek* and *Waldner* to create the invention of claims 6 and 7; and (2) whether Petitioners have met their burden to show the combination of Ground 2 would meet the requirement in Claim 1 (and Claim 6) of the inboard segment of the extension conveyor being “pivotable...about a substantially vertical axis.”

4. Whether Petitioners have met their burden to prove that claims 3, 12, 21, and 25 are unpatentable under Grounds 3 and 3A for obviousness in view of *Waldner*, *Dynatek*, *Sleeman*, and *Auld* and particularly (1) whether Petitioners have met their burden to show that *Auld* is analogous art; and (2) whether Petitioners have met their burden to show that it would have been obvious to combine *Auld* with *Dynatek* and *Waldner* to create the invention of claims 3, 12,

21, and 25 requiring a kingpin mounted on a deployable frame toward the free end of the deployable frame.

5. Whether Petitioners have met their burden to prove that claims 13-15 are unpatentable under Grounds 4 and 4A for obviousness in view of *Waldner*, *Dynatek*, and *McIver* and particularly whether Petitioners have met their burden to provide a valid reason to combine *McIver* with *Dynatek* and *Waldner* to create the invention of claims 13-15 requiring “a lift arm structure being articulated between opposite first ends of the lift arm structure.”

6. Whether the subject matter of the claims at issue would have been obvious to a person of ordinary skill in the art in light of Patent Owner’s objective evidence of nonobviousness.

7. Whether Petitioners submitted improper reply evidence and arguments with their Reply and whether that evidence and those arguments should therefore be stricken, including issues addressed in the parties’ briefing on Patent Owner’s motion to strike.

8. Any other issues addressed in the Petition, Patent Owner’s Response, Petitioners’ Reply, and Patent Owner’s Sur-Reply or the parties’ briefing on motions to exclude, if any.

DATED this 15th day of September, 2025.

Respectfully submitted,

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6, I hereby certify that on this 15th day of September 2025, the foregoing **PATENT OWNER'S REQUEST FOR ORAL ARGUMENT PURSUANT TO 37 C.F.R. § 42.70(a)** was served via email, on the following counsel of record for Petitioner:

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