UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Avation Medical, Inc.,

Petitioner

v.

EMKinetics, Inc.,

Patent Owner

Case No. IPR2024-01375
U.S. Patent No. 11,224,742

PETITIONER'S REQUEST FOR ORAL ARGUMENT

In accordance with 37 C.F.R. § 42.70, Petitioner Avation Medical, Inc. ("Avation") respectfully requests oral argument in this proceeding on all of the instituted grounds of review of U.S. Patent No. 11,224,742 ("the '742 Patent").

According to the Scheduling Order common to this proceeding and IPR2024-01378, the Oral Hearing in these IPR proceedings is scheduled for January 7, 2026. *See* Paper No. 8 at 12. Avation understands the oral hearing will be held in-person at USPTO headquarters in Alexandria, Virginia. Avation respectfully requests 60 minutes at the Oral Hearing to address the related IPR proceedings (IPR2024-01375 and IPR2024-01378) and the issues below or, to the extent it is greater, the amount of time granted to Patent Owner EMKinetics, Inc. ("EMK"). Avation also requests the ability to reserve a portion of its total time for presenting rebuttal arguments after EMK's presentation. *See* November 2019 Consolidated Trial Practice Guide at 83.

Pursuant to 37 C.F.R. § 42.70(a), and without intending to waive any issue not specifically identified, Avation requests the ability to present arguments on the following issues related to this IPR proceeding:

1. The grounds on which the IPRs were instituted, including the issues and evidence raised in the parties' briefing and supporting declarations and exhibits, including but not limited to:

a. Whether claims 1-13 of the '742 Patent would have been obvious over Svihra (Ex.1004) in view of Mann (Ex.1084), Ponsford (Ex.1085), and the knowledge of a person of ordinary skill in the art ("POSA") (Ground 1);

b. Whether claims 1-13 of the '742 Patent would have been obvious over Amarenco (Ex.1005) in view of Mann (Ex.1084), Ponsford (Ex.1085), and the knowledge of a POSA (Ground 2);

2. Any issues raised in the parties' papers and the Board's institution decisions;

3. Any issues raised by EMK in any request(s) for oral argument;

4. Rebuttal to EMK's presentation on all matters;

5. Any procedural and/or evidentiary issues raised by the parties;

6. Any issues raised by the parties in any filings contemporaneous or subsequent to this Request, including any motions to exclude;

7. Any additional issues the parties raise or propose to raise at or before the oral argument; and

8. Any additional issues on which the Board seeks information or clarification.

Avation also respectfully requests the ability to use audio visual equipment to display demonstrative exhibits at the hearing, including the use of a projector to connect a laptop for a PowerPoint presentation.

Dated: November 4, 2025

Respectfully submitted,

/s/ Kyle Deighan

Todd R. Tucker (Reg. No. 40,850)
ttucker@calfee.com
Kyle Deighan (Reg. No. 75,525)
kdeighan@calfee.com
CALFEE, HALTER & GRISWOLD LLP
The Calfee Building
1405 East Sixth Street
Cleveland, Ohio 44114
P: 216-622-8200
F: 216-241-0816

Attorneys for Petitioner Avation Medical, Inc.

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing **PETITIONER'S REQUEST FOR ORAL ARGUMENT** were served by email to Patent Owner by serving the email correspondence addresses of record as follows in accordance with 37 C.F.R. §42.105(a):

David Gerasimow
dave@gerasimowlaw.com
The Law Offices of David A. Gerasimow, P.C.
211 W. Wacker Dr., Ste. 1717
Chicago, IL 60606
Tel: (312) 919-4254

Eran Steinberg
venture@eransteinberg.com
137 Granville Way
San Francisco, CA 94127
Tel: (415) 902-7026

Dated: November 4, 2025

/s/ Kyle Deighan

Attorney for Petitioner Avation Medical, Inc.