

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

R.J. REYNOLDS VAPOR COMPANY,
Petitioner,

v.

HEALTHIER CHOICES MANAGEMENT CORP.
Patent Owner.

Case IPR2024-01458
U.S. Patent No. 9,538,788

PATENT OWNER'S REQUEST FOR ORAL ARGUMENT

Pursuant to 37 C.F.R § 42.70 and the Board’s Scheduling Order (paper 8) in the subject proceeding, Healthier Choices Management Corp. (“Patent Owner”) respectfully requests oral argument, currently scheduled for December 10, 2025. Patent Owner requests a remote hearing to take place virtually via video conference.

Reservation of Time: Patent Owner requests an opportunity to reserve sur-rebuttal time to respond to rebuttal arguments by Petitioner, and an opportunity to provide a closing statement. *See e.g., Mangrove Partners Master Fund., Ltd. et al. v. VirnetX Inc.*, IPR2015-01046, Paper 60, 2 (PTAB June 2, 2016) (“Both parties may reserve some of their argument time for rebuttal, and Patent Owner will be afforded an opportunity to provide a closing statement along with any rebuttal.”).

Issue For Argument: Without waiving any issue not explicitly identified, Patent Owner specifies at least the following issues it may discuss at argument:

- i. Issues related to the instituted grounds, including, for example, obviousness, motivation to combine, and reasonable expectation of success.
- ii. Any other relevant issues raised in papers filed in this proceeding, including issues raised in papers yet to be filed; and
- iii. Any other issue that the Board deems necessary for issuing a Final

Written Decision, including any questions, rebuttals, or arguments that may arise during the oral argument.

Time for Argument: Patent Owner respectfully requests one (1) full hour of total argument time. Patent Owner believes that thirty minutes for Petitioner and thirty minutes for Patent Owner is a sufficient amount of time to discuss all issues in the instant IPR.

Video Conference: Patent Owner requests that the oral argument on December 10, 2025, take place via teleconference (e.g., Zoom, Teams, etc.) with the ability to display possible demonstratives and exhibits during the remote hearing, irrespective of the UPSTO's headquarters availability.

Patent Owner conferred with Petitioner regarding the above, and Petitioner disagrees with having a remote oral argument and with the amount of time each party needs for oral argument.

Dated: October 27, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on October 27, 2025, pursuant to 37 CFR 42.6(e), a true and correct copy of the foregoing PATENT OWNER REQUEST FOR ORAL ARGUMENT was served on counsel of record for Petitioner by filing this document through the P-TACTS System as well as delivering a copy via electronic mail to the following addresses on the service list.

/Geoffrey Lottenberg/
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