

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

PETITIONER'S REQUEST FOR ORAL ARGUMENT

Pursuant to 37 C.F.R. § 42.70(a) and the Board’s Scheduling Order (Paper 8), Petitioner R.J. Reynolds Vapor Company (“RJRV”) respectfully requests oral argument in IPR2024-01458 to address the unpatentability of U.S. Patent No. 9,538,788.

Petitioner requests 60 minutes per side, inclusive of any time reserved for rebuttal, to present arguments. Per the PTAB’s email dated October 20, 2025, “The USPTO headquarters is no longer available, therefore the hearing will take place virtually by videoconference.” Should the USPTO headquarters become available before the hearing, Petitioner requests that the hearing be held in person in Alexandria, consistent with the PTAB’s July 23, 2025 announcement that “[s]tarting September 1, 2025, all Patent Trial and Appeal Board (PTAB) hearings will be held in person.” Counsel for Petitioner and Patent Owner have met and conferred and disagree on the amount of time for each side’s presentation and Petitioner’s request for an in person hearing should the USPTO headquarters become available before the hearing.

Petitioner plans to present arguments on the following:

1. All grounds on which trial was instituted and all issues raised by the parties’ papers;
2. Any issue raised by either party in a motion to exclude (if any), objections to demonstrative exhibits (if any), or any other motion or

paper filed by either party before oral argument; and

3. Any additional issues on which the Board seeks clarification, or which the Board deems necessary for issuing a final written decision.

Petitioner requests authorization to present demonstrative slides and exhibits during the oral argument.

Dated: October 29, 2025

Respectfully submitted,

By: /s/ Joshua R. Nightingale /
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on October 29, 2025, a complete and entire copy of the foregoing Petitioner's Request for Oral Argument has been served via electronic mail on Patent Owner's lead and backup counsel at the following email addresses:

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Date: October 29, 2025

/Joshua R. Nightingale/

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