

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AXION BIOSYSTEMS, INC.,
Petitioner

v.

AGILENT TECHNOLOGIES, INC.,
Patent Owner.

Case IPR2024-01467

U.S. Patent No. 11,906,508

PETITIONER'S REQUEST FOR ORAL ARGUMENT

Pursuant to 37 C.F.R. § 42.70(a), Petitioner Axion BioSystems, Inc. (“Axion”) respectfully requests oral argument in IPR2024-01467 to address the unpatentability of U.S. Patent No. 11,906,508.

Axion requests 45 minutes per side, inclusive of any time reserved for rebuttal, to present arguments. Axion further requests that the argument take place in-person at the Dallas USPTO Regional Office pursuant to the Scheduling Order (Paper 10 at 7) and 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 Axion and Agilent Technologies, Inc. (“Agilent”) have conferred and agree to an in-person hearing at the Dallas USPTO Regional Office. Counsel for Agilent indicated that it may be requesting 30 minutes per side but stated that Axion’s requested 45 minutes per side would also be acceptable.

Axion plans to present arguments on the following:

1. The unpatentability of claims 1-8 and 11-15 over Xu-752 and Jones;
2. The construction of the term “millisecond time resolution”;
3. Agilent’s submission of Exs. 2024-2037 with its Patent Owner Sur-Reply in violation of 37 C.F.R. § 42.23(b);
4. 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

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

Axion requests authorization to present demonstrative slides and exhibits during the oral argument and to use audio/visual equipment to display such materials. Axion also requests the services of a court reporter to transcribe the proceeding.

Dated: October 30, 2025

Respectfully submitted,

By: / Joshua R. Nightingale /
Joshua R. Nightingale
Reg. No. 67,865
JONES DAY
500 Grant Street, Suite 4500
Pittsburgh, PA 15219
jrnightingale@jonesday.com

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on October 30, 2025, a complete and entire copy of PETITIONER'S REQUEST FOR ORAL ARGUMENT has been served in its entirety by e-mail to:

Brenton Babcock
brent.babcock@sterlingtonlaw.com

Yang Wang
yang.wang@sterlingtonlaw.com

Dan Liu
dliu@loeb.com

Mariana Nielson
mnielson@loeb.com

Respectfully submitted,

Dated: October 30, 2025

/Joshua R. Nightingale/

Joshua R. Nightingale
Reg. No. 67,865
JONES DAY
500 Grant Street, Suite 4500
Pittsburgh, PA 15219
(412) 394-7950
jrnightingale@jonesday.com