

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

Home Depot U.S.A., Inc.,
Petitioner
v.
Lynk Labs, Inc.,
Patent Owner

Case No. PGR2023-00016
U.S. Patent No. 11,297,705

PETITIONER'S REQUEST FOR ORAL ARGUMENT

Mail Stop Patent Board
Patent Trial and Appeal Board
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to 37 C.F.R. 42.70(a), Petitioner, Home Depot U.S.A., Inc. requests oral argument on the issues set forth below at a place and time set by the Board. Oral argument is presently scheduled for May 6, 2024 (Paper No. 9, “Scheduling Order”).

Issues to be Presented by Petitioner at Oral Argument:

1. Proper construction of the relevant claims of the ’705 patent;
2. The ’705 patent is eligible for PGR;
3. Arguments and evidence that claims 3, 10 and 17 are invalid under Section 112;
4. Arguments and evidence that claims 15, 17, and 19 are anticipated under Section 102 by Bruning;
5. Arguments and evidence that claims 1-3, 5, 7-10, 12, 14-17, and 19 are obvious under Section 103 over Bruning in view of Evanicky;
6. Arguments and evidence that claims 1-2, 5, 7-9, 12, 14-16, and 19 are anticipated under Section 102 by Doheny;
7. Arguments and evidence that claims 1-2, 5, 7-9, 12, 14-16, and 19 are obvious under Section 103 over Van Winkle;
8. Arguments and evidence that claims 1-3, 5, 7-10, 12, 14-17, and 19 are obvious under Section 103 over Bruning in view of Lee.

9. Rebuttal to Patent Owner’s arguments and evidence on all matters including the issues listed above;
10. The timeliness of the arguments raised in the proceedings; and
11. Any other issues that the Board deems necessary for issuing a Final Written Decision, including any questions, rebuttals, or arguments that may arise during the oral argument.

Petitioner requests that the hearing take place via video conference.

Petitioner requests the ability to present demonstratives and exhibits to the Board and the ability to have additional counsel, including in-house counsel, attend the video conference from separate locations.

Dated: March 18, 2024

Respectfully Submitted,

/Brian K. Erickson/

Brian K. Erickson
Reg. No. 48,895
DLA Piper LLP (US)
303 Colorado Street, Suite 3000
Austin, TX 78701
brian.erickson@us.dlapiper.com
Phone: 512-457-7059
Fax: 512-721-2263

Jennifer Librach Nall
Reg. No. 57,053
DLA Piper LLP (US)
303 Colorado Street, Suite 3000
Austin, TX 78701
Jennifer.nall@us.dlapiper.com
Phone: 512-457-7249

Fax: 512-721-2249

Mary Dahl (*pro hac vice*)

DLA Piper LLP (US)

3203 Hanover Street, Suite 100

Palo Alto, CA 94304

mary.dahl@us.dlapiper.com

Tel: (650) 833-2000

Fax: (650) 833-2001

*Attorneys for Petitioner Home Depot USA,
Inc.*

CERTIFICATE OF SERVICE

The undersigned certifies service of a copy of this document on the Patent Owner’s counsel of record pursuant to 37 C.F.R. §§ 42.6(e) and 42.105(b) by electronic mail to the following:

Stephen McBride
stevemcbride@carmichaelip.com
James T. Carmichael
jim@carmichaelip.com
Stephen T. Schreiner
schreiner@carmichaelip.com
Minghui Yang
mitch@carmichaelip.com
susan@carmichaelip.com
LynkIPRs@Carmichaelip.com

Dated: March 18, 2024

Respectfully Submitted,

/Brian K. Erickson/

Brian K. Erickson, Reg. No. 48,895

*Attorney for Petitioner Home Depot USA,
Inc.*