

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CRUSOE ENERGY SYSTEMS, LLC

Petitioner

v.

UPSTREAM DATA INC.

Patent Owner

Case PGR2023-00039

Patent No. 11,574,372

PATENT OWNER'S REQUEST FOR ORAL ARGUMENT

Pursuant to 37 C.F.R. 42.70(a), Patent Owner, Upstream Data, 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 October 25, 2024 (Paper No. 16, “Revised Scheduling Order”).

Issues to be Presented by Patent Owner at Oral Argument:

1. Issues related to the Board’s decision Instituting *Inter Partes* Review (Paper 14);
2. Construction of claim terms of the ’372 patent;
3. Whether claims 1-4, 8, 16-30, and 34 are obvious over Dickerson and CryptoKube, in view of Szmigielski and Kheterpal;
4. Whether claims 1-4, 8, 10-12, 15- 30, 34-37, and 40 are obvious over Dickerson, CryptoKube, and Belady-989, in view of Szmigielski and Kheterpal;
5. Whether claims 1-4, 7-12, 15-30, 34-37, and 40 are obvious over Dickerson, CryptoKube, Belady989, and Boot, in view of Szmigielski and Kheterpal;
6. Whether claims 1-4, 8, 16-22, 24- 30, and 34 are obvious over MAGS and Polivka, in view Szmigielski and Kheterpal;

7. Whether claims 1-4, 8, 10-12, 15- 30, 34-37, and 40 are obvious over MAGS, Polivka, and Belady-989, in view of Szmigielski and Kheterpal;
8. Whether claims 1-4, 7-12, 15-30, 34-37, and 40 are ineligible for patent protection under 35 U.S.C. § 101;
9. Rebuttal to Petitioner's arguments and evidence on all matters including the issues listed above; and
10. 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.

Patent Owner requests that the hearing take place via video conference.

Patent Owner requests the ability to present demonstratives and exhibits to the Board and the ability to have additional counsel attend the video conference from separate locations.

September 10, 2024

Respectfully Submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document has been served via electronic mail upon the following on September 10, 2024:

PGR54598-0001PSI@fr.com

Dated: September 10, 2024

Respectfully Submitted,

/ James M. Heintz /

James M. Heintz, Reg. No. 41,828

Attorney for Patent Owner