

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 11,574,372

PETITIONER'S REQUEST FOR ORAL ARGUMENT

Pursuant to 37 C.F.R. § 42.70(a) and the Board's Revised Scheduling Order (Paper 16), Petitioner submits this Request for Oral Argument on all of the instituted unpatentability grounds regarding U.S. Patent No. 11,574,372. Petitioner requests one hour per party of oral argument time. At the oral argument, Petitioner requests (without waiving consideration of any issue not listed below) to address the following issues:

1. Whether claims 1-4, 8, 16-30 and 34 are unpatentable over Dickerson and CryptoKube, in view of Szmigielski and Kheterpal, pursuant to 35 U.S.C. §103;
2. Whether claims 1-4, 8, 10-12, 15-30, 34-37 and 40 are unpatentable over Dickerson, CryptoKube, and Belady-989, in view of Szmigielski and Kheterpal, pursuant to 35 U.S.C. §103;
3. Whether claims 1-4, 7-12, 15-30, 34-37 and 40 are unpatentable over Dickerson, CryptoKube, Belady-989, and Boot, in view of Szmigielski and Kheterpal, pursuant to 35 U.S.C. §103;
4. Whether claims 1-4, 8, 16-22, 24-30 and 34 are unpatentable over MAGS and Polivka, in view of Szmigielski and Kheterpal, pursuant to 35 U.S.C. §103;

5. Whether claims 1-4, 8, 10-12, 15-30, 34-37 and 40 are unpatentable over
MAGS, Polivka, and Belady-989, in view of Szmigielski and Kheterpal,
pursuant to 35 U.S.C. §103;
6. Whether claims 1-4, 7-12, 15-30, 34-37 and 40 are eligible under 35 U.S.C.
§101;
7. Any claim construction issues;
8. Any procedural and/or evidentiary issues;
9. Rebuttal to Patent Owner's presentation on all matters; and
10. Any additional issues on which the Board seeks clarification.

Petitioner requests a virtual hearing. If the hearing is held in person, Petitioner requests the ability to use audio visual equipment to display demonstrative exhibits, including the use of a projector and screen that connects to a laptop computer.

Dated September 10, 2024

/John C. Phillips/
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CERTIFICATE OF SERVICE

Pursuant to 37 CFR §§ 42.6(e)(1) and 42.6(e)(4)(iii), the undersigned certifies that on September 10, 2024, a complete and entire copy of this Petitioner's Request for Oral Argument was provided by email to the Patent Owner by serving the email correspondence addresses of record as follows:

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