

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

KINDERFARMS, LLC,
Petitioner,

v.

GENEXA, INC.
Patent Owner.

Case No. PGR2023-00051
U.S. Patent No. 11,617,795

PETITIONER'S REQUEST FOR ORAL ARGUMENT

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Dated: October 29, 2024

Filed by:

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Counsel for Petitioner

Pursuant to 37 C.F.R. § 42.70(a), Petitioner respectfully requests oral argument. Presently, the oral argument is tentatively scheduled for December 13, 2024. Petitioner respectfully requests that the oral argument be held in person on that date at the USPTO headquarters in Alexandria, VA. The issues to be addressed include the following:

1. unpatentability of claims 1-24 of U.S. Patent No. 11,617,795 (“the ’795 Patent”) under 35 U.S.C. § 103 as obvious over French Patent Publication 2,993,458 to Dumas (“FR458”) in view of U.S. Patent No. 4,684,666 to Haas (“the ’4666 Patent”);
2. unpatentability of claims 1-24 of U.S. Patent No. 11,617,795 (“the ’795 Patent”) under 35 U.S.C. § 103 as obvious over FR458 in view of WO 95/00133 to Yiv (“the WO133 Patent”);
3. unpatentability of claims 1-24 of U.S. Patent No. 11,617,795 (“the ’795 Patent”) under 35 U.S.C. § 103 as obvious over FR458, in view of the ’4666 Patent, in further view of the WO133 Patent.
4. unpatentability of claims 1-17 of the ’795 Patent under 35 U.S.C. § 103 as obvious over WO2012/018742A2 to Singh (“WO742”) in view of the ’4666 Patent.
5. unpatentability of claims 1-17 of the ’795 Patent under 35 U.S.C. § 103 as obvious over WO742 in view of WO133.

6. unpatentability of claims 1-17 of the '795 Patent under 35 U.S.C. § 103 as obvious over WO742 in view of the '4666 Patent, in further view of WO133.
7. unpatentability of claims 1-24 under 35 U.S.C. §112(b) as indefinite for the use of the subjective terms “palatable” and “stable,” which are not defined or explained in the specification, and also because the specification fails to provide any guidance as to unlisted ingredients that would materially affect the basic and novel properties of the alleged invention;
8. any procedural and evidentiary issues raised by the parties;
9. any additional issues the parties raise or propose to raise at or before the oral argument; and
- 10.any additional issues on which the Board seeks information or clarification.

Petitioner requests that it be permitted to argue first. Office Patent Trial Practice Guide, 77 Fed. Reg. 45,756, 48,768 (Aug. 14, 2012).

Petitioner, after conferring with opposing counsel, submits that forty-five (45) minutes per side, for a total time of ninety (90) minutes, is sufficient to present the parties' arguments to the Board. Petitioner further requests a hearing time in the morning Eastern Time.

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Petitioner further requests the use of audio-visual equipment to assist its arguments and to display its demonstrative exhibits, including a computer-connectable projector, an ELMO, and a screen.

Petitioner requests the services of a court reporter to transcribe the proceeding.

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Respectfully submitted,

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Counsel for Petitioner

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§42.6 and 42.105, I hereby certify that on October 29, 2024, a copy of the attached PETITIONER'S REQUEST FOR ORAL ARGUMENT, was served via electronic mail to Patent Owner's Counsel of Record according to Patent Owner's Mandatory Notices.

Date: October 29, 2024

Respectfully submitted,

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