

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COLLEGE PRODUCTS, INC.
Petitioner,

v.

INTIRION CORPORATION
Patent Owner

Case PGR2024-00003
Patent No. 11,674,745

PETITIONER'S REQUEST FOR ORAL ARGUMENT

Pursuant to 37 C.F.R. §42.70(a) and the Board’s Scheduling Order (Paper 11), Petitioner College Products, Inc. (“Petitioner”) respectfully requests oral argument in this PGR proceeding, PGR2024-00003. Oral argument is currently scheduled for January 9, 2025. Paper 11 at 11. PGR2024-00004 involves the same parties and a related patent and is also currently scheduled for oral argument on January 9, 2025.

Petitioner requests the oral argument in this PGR proceeding be consolidated with the oral argument in PGR2024-00004 and requests 70 minutes of argument time for each side, for a total of 140 minutes in the consolidated hearing. If the Board denies Petitioner’s request to consolidate, Petitioner requests forty-five (45) minutes of argument for each side in this PGR proceeding, for a total hearing time of 90 minutes.

For this PGR proceeding, Petitioner specifies, without waiving any issue not specified, the following issues to be argued¹:

1. Whether claims 1, 13, 15, 20, 22, and 24-25 of U.S. Patent No. 11,674,745 (“the ’745 Patent”) are obvious under 35 U.S.C. §103 in view of Emma combined with Smith;
2. Whether claims 1, 13, 15, 20, 22, and 24-25 of the ’745 Patent are obvious under 35 U.S.C. §103 in view of Emma combined with Butt;

¹ Petitioner rests on its petition for the ISDU grounds (i.e., Grounds 1, 5, and 7).

3. Whether claims 1, 13, 15, 20, 22, and 24-25 of the '745 Patent are obvious under 35 U.S.C. §103 in view of Emma combined with Butt and Smith;
4. Whether claims 12, 14, 19, 23, and 26 of the '745 Patent are obvious under 35 U.S.C. §103 in view of Emma combined with Smith and further combined with the knowledge of a POSITA;
5. Whether claims 12, 14, 19, 23, and 26 of the '745 Patent are obvious under 35 U.S.C. §103 in view of Emma combined with Smith and further combined with Quezada;
6. Whether claims 1-28 are invalid under 35 U.S.C. §112(b) as being indefinite;
7. Whether the Board's construction of "level of smoke" and "amount of smoke" is indefinite;
8. Any other claim construction issues;
9. Any procedural and/or evidentiary issues;
10. Any issues raised by Patent Owner in its Request for Oral Hearing;
11. Rebuttal to Patent Owner's presentation on all matters; and
12. Any other issues related to invalidity that the Board deems necessary for issuing a final written decision.

Petitioner requests that the hearing be conducted in-person at the USPTO Offices in Denver, Colorado. *See* Paper 11 at 6. On December 2, 2024, during a

meet and confer, Patent Owner stated it agrees with that request. If an in-person hearing is held, Petitioner requests that two spaces be reserved for counsel at counsel's table for the two attorneys expected to argue on its behalf, and that one additional space be reserved in the hearing room to accommodate Petitioner's corporate representative.

Petitioner requests that the two attorneys at Petitioner counsel's table be allowed to use computers. Petitioner also requests the ability to use audio-visual equipment to display demonstrative exhibits and evidence of record, including the use of a projector and a screen for displaying documents and PowerPoint slides.

Dated: December 3, 2024

Respectfully submitted,

/Domingo M. LLagostera/
Domingo M. LLagostera
Reg. No. 70,684
Counsel for Petitioner

CERTIFICATE OF SERVICE

Pursuant to 37 CFR §§ 42.6(e), the undersigned certifies that a copy of the foregoing **PETITIONER’S REQUEST FOR ORAL ARGUMENT** was served on counsel of record on December 3, 2024, by electronic mail at the following address, as authorized by Patent Owner in its Mandatory Notices:

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/M’Liss Hindman/
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