

Filed on behalf of VF Outdoor, LLC

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VF OUTDOOR, LLC,
Petitioner,

v.

COCONA, INC.,
Patent Owner.

Case No.: IPR2018-00190
Patent No.: 8,945,287

PETITIONER'S REQUEST FOR ORAL ARGUMENT

Pursuant to 37 C.F.R. § 42.70 and the Board's Scheduling Order dated May 31, 2018 (Paper No. 15), Petitioner VF Outdoor, LLC ("Petitioner") respectfully requests oral argument on issues related to:

1. The patentability of claims 27, 28, 30, 32, 33, and 35-39 of U.S. Patent No. 8,945,287 ("287 patent") in view of each ground set forth in the Board's Institution Decision (Paper No. 14);
2. The appropriate construction to be given to any disputed claim terms, including "active particles," "first thickness," and "second thickness";
3. Any arguments raised in the Petition, Patent Owner's Preliminary Response, Patent Owner's Response, Petitioner's Reply, and Patent Owner's Sur-Reply;
4. The extent, if any, that Patent Owner's Sur-Reply violates 37 C.F.R. § 42.23(b);
5. Any Motion to Exclude filed by Patent Owner, and any other pending or future motions filed by the parties;
6. Any issues specified by Patent Owner in its request for oral argument or raised by Patent Owner during oral argument, reserving Petitioner's rights to object to the same; and
7. Any other issues that the Board deems necessary for issuing a final written decision.

The Board has scheduled the oral argument for February 28, 2019. (Paper No. 15). Petitioner respectfully requests that the Board allow Petitioner 60 minutes to present its arguments, including any time reserved for rebuttal arguments.

Petitioner understands that two of the three judges on the panel are located in Denver, Colorado, and accordingly, Petitioner respectfully requests that the hearing be held in Denver, Colorado. Petitioner has contacted the law firm representing Patent Owner and the parties agree that Denver, Colorado, will be convenient to accommodate the law firm representing Petitioner, the law firm representing Patent Owner, as well as client representatives who may wish to attend. Petitioner and Patent Owner have also sent a joint email to the Board requesting Denver, Colorado, as the venue for the hearing. Alternatively, Petitioner respectfully requests Alexandria, Virginia, and specifically requests Hearing Room A, in order to accommodate the law firm representing Petitioner, the law firm representing Patent Owner, as well as client representatives who may wish to attend.

Additionally, Petitioner requests permission to use a computer, projector, and screen to display demonstratives and exhibits. Petitioner also requests that the attorneys at Petitioner's counsel table be allowed to use computers.

Respectfully submitted,

MERCHANT & GOULD, P.C.

Date: January 24, 2019

By: /s/ Kathleen E. Ott
Kathleen E. Ott, Esq. Reg. No. 64,038
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Counsel for Petitioner

CERTIFICATE OF SERVICE ON PATENT OWNER

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on January 24, 2019, a complete and entire copy of this REQUEST FOR ORAL ARGUMENT was served on the following counsel for Patent Owner:

Jason S. Jackson
(Jason.Jackson@KutakRock.com)
Kutak Rock LLP

Jacob Song
(Jacob.song@Kutakrock.com)
Kutak Rock LLP

Date: January 24, 2019

Respectfully submitted,

MERCHANT & GOULD P.C.

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