

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

10X GENOMICS, INC.,
Petitioner,

v.

BIO-RAD LABORATORIES, INC.,
Patent Owner.

Case IPR2020-00086
Patent 9,562,837

PETITIONER'S REQUEST FOR ORAL ARGUMENT

Mail Stop "PATENT BOARD"

Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to 37 C.F.R. § 42.70 and the Board's April 27, 2020 Scheduling Order (Paper 9), Petitioner 10X Genomics, Inc. ("Petitioner") respectfully requests oral argument, which is currently scheduled for January 27, 2021. Petitioner respectfully requests that argument be consolidated with IPR2020-00087, IPR2020-00088, and IPR2020-00089. These IPRs relate to the same patent or a related patent (No. 9,896,722) and are proceeding on the same schedule as this IPR. *See* Scheduling Order, Paper 9. Petitioner believes that 120 minutes is an appropriate argument time for each side during a consolidated oral argument.

Petitioner specifies, without intent to waive consideration of any issue not requested, the following issues to be argued:

- The unpatentability of claims 1, 2, 4, 10-13, 19, and 20 of U.S. Patent No. 9,562,837 ("the 837 Patent") as anticipated by Ismagilov 091;
- The unpatentability of claims 1, 2, 4, 7, 9-13, 19, and 20 of the 837 Patent as obvious over Ismagilov 091 and Quake;
- The unpatentability of claims 1-4, 7-13, 19, and 20 of the 837 Patent as obvious over Ismagilov 119;
- The unpatentability of claims 1-4, 7-13, 19, and 20 of the 837 Patent as obvious over Ismagilov 119 and Pamula 634;
- The unpatentability of claims 1-4, 7-13, 19, and 20 of the 837 Patent as obvious over Ismagilov 119 and Pamula 238;

- The construction of the claim terms for which constructions were identified in the Petition, Institution Decision, Patent Owner's Response, Petitioner's Reply, or Patent Owner's Sur-Reply;
- Any issues identified in Patent Owner's Request for Oral Argument;
- Rebuttal to Patent Owner's presentation on all matters;
- Any other issues raised in papers filed in this proceeding, including issues raised in papers yet to be filed, such as any Motions to Exclude and Oppositions to Motions to Exclude; and
- Any other outstanding motions and pleadings, and other issues that the Board deems necessary for issuing a Final Written Decision.

Petitioner recognizes that circumstances may require a telephonic hearing or video conference in light of the COVID-19 pandemic, subject to the Board's guidance. Petitioner respectfully requests that the oral argument begin at 12:00 pm Eastern or later to accommodate backup counsel and counsel for 10X Genomics located in California. If the hearing is conducted in-person, Petitioner requests the ability to use audio-visual equipment to display possible demonstratives and exhibits, including the use of an ELMO, computer, projector, and screen.

Dated: December 15, 2020

Respectfully submitted,

IPR2020-00086 (U.S. Patent No. 9,562,837)
Petitioner's Request for Oral Argument

/Samantha A. Jameson/

Samantha A. Jameson
USPTO Reg. No. 57,609
Tensegrity Law Group LLP
8260 Greensboro Dr., Suite 260
McLean, VA 22102
Telephone: 703-940-5033
Facsimile: 650-802-6001
samantha.jameson@tensegritylawgroup.com
10X_TLG_IPR_Service@tensegritylawgroup.com

Counsel for Petitioner
10X Genomics, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on December 15, 2020, copies of the foregoing were served via Electronic Mail to the following:

David Bilsker (Reg. No. 39611) (Lead Counsel)
davidbilsker@quinnemanuel.com
John McCauley (Reg. No. 63,161) (Back-up Counsel)
johnmccauley@quinnemanuel.com
QUINN EMANUEL URQUHART & SULLIVAN, LLP
50 California Street, 22nd Floor
San Francisco, California 94111

Kevin Johnson (Reg. No. 38927) (Back-up Counsel)
kevinjohnson@quinnemanuel.com
QUINN EMANUEL URQUHART & SULLIVAN, LLP
555 Twin Dolphin Dr., 5th Floor
Redwood Shores, California 94065

Anne S. Toker (Reg. No. 53692) (Back-up Counsel)
annetoker@quinnemaniel.com
James Baker (Admitted *Pro Hac Vice*)
jamesbaker@quinnemanuel.com
QUINN EMANUEL URQUHART & SULLIVAN, LLP
51 Madison Avenue, 22nd Floor
New York, New York 10010

/Samantha A. Jameson/
Samantha A. Jameson
USPTO Reg. No. 57,609
Tensegrity Law Group LLP
8260 Greensboro Dr., Suite 260
McLean, VA 22102
Telephone: 703-940-5033
Facsimile: 650-802-6001
samantha.jameson@tensegritylawgroup.com
10X_TLG_IPR_Service@tensegritylawgroup.com

IPR2020-00086 (U.S. Patent No. 9,562,837)
Petitioner's Request for Oral Argument

Counsel for Petitioner
10X Genomics, Inc.