

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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WIRTGEN AMERICA, INC.  
Petitioner

v.

CATERPILLAR INC.  
Patent Owner

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Case IPR2022-01397  
U.S. Patent 9,975,538

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**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 the Board's March 14, 2023, Scheduling Order (Paper 8),  
Petitioner respectfully requests oral argument, currently scheduled for December 11, 2023. Petitioner requests 45 minutes in which to present its arguments. Under 37 C.F.R. § 42.70, and without intending to waive any issue not specifically identified, Petitioner specifies the following issues to be argued:

1. The unpatentability of claims 1-13 as obvious over Willis in view of Xing;
2. The unpatentability of claims 8 and 13 as obvious over Willis in view of Xing and Laux;
3. 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;
4. Any issues specified by Patent Owner in its Request for Oral Argument; and
5. Any other issues the Board deems necessary for issuing a final written decision (e.g., any motion to exclude evidence and any motion to seal evidence).

Petitioners request the ability to use audio visual equipment to display possible demonstratives and exhibits, including the use of an ELMO, computer, projector, and screen, for displaying documents from a computer at counsel's table.

Further, Petitioner requests that the hearing be held at the USPTO's Alexandria, Virginia office because that location will be more convenient, have simpler logistics, and be less costly for Petitioner. Petitioners request that seven spaces be reserved at the oral hearing to accommodate their counsel and corporate representatives.

Date: October 30, 2023

Respectfully submitted,

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**CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e))**

I certify that the above-captioned **PETITIONER'S REQUEST FOR ORAL ARGUMENT** was served in its entirety on October 30, 2023 upon the following parties via electronic mail:

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