

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FITBIT, INC. and WAHOO FITNESS LLC,
Petitioners,
v.

BLACKBIRD TECH LLC d/b/a BLACKBIRD TECHNOLOGIES,
Patent Owner.

Case IPR2017-02012
Patent 6,434,212

PETITIONERS' REQUEST FOR ORAL HEARING
37 C.F.R. § 42.70

Pursuant to the Board's March 12, 2018 and May 16, 2018 Scheduling and Conduct of the Proceeding Orders (Papers 9 and 11), 37 C.F.R. § 42.70(a), and 35 U.S.C. § 316(a)(10), Petitioners respectfully request oral argument on December 12, 2018. Petitioners request¹ (without any intent to waive consideration of any issue not requested) one hour for the Petitioners to address the following issues at the oral hearing:

- Ground 1: Claims 3 and 5 are anticipated by Amano (Ex. 1003);
- Ground 2: Claims 3 and 5 are obvious under Amano (Ex. 1003); and
- Ground 3: Claim 6 is obvious under Amano (Ex. 1003) in view of Kato (Ex. 1004).

Petitioners request the ability to reserve a portion of its total time for presenting rebuttal arguments after Patent Owner's presentation. Petitioners additionally request that the Board provide audio-visual equipment to display demonstrative exhibits, including a projector to be connected to a laptop, and a document camera for displaying documents of record. In accordance with the Trial Practice Guide, Fed. Reg. Vol. 77, No. 157, at 48768, Petitioners will contact the Board Trial Division paralegal to discuss this request.

¹ Patent Owner's position is that each side should receive 45 minutes.

This Request is timely, being filed on October 10, 2018.

October 10, 2018

Respectfully submitted,
/Harper Batts/
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CERTIFICATE OF SERVICE

The undersigned certifies that on October 10, 2018, a complete copy of the foregoing was served via electronic mail to the following parties at the addressed indicated:

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Date: October 10, 2018

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