

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ACTIFIO, INC.
Petitioner

v.

DELPHIX CORP.
Patent Owner

Case IPR2015-00050
U.S. Patent 8,548,944

PETITIONER'S REQUEST FOR ORAL ARGUMENT

FILED VIA PRPS

Petitioner Actifio, Inc. respectfully requests oral argument under 37 CFR § 42.70. The PTAB has already scheduled an oral hearing for January 14, 2016 for IPR2015-00050 (related to U.S. Patent No. 8,548,944; the '944 patent). Paper 9 at 6. The PTAB also scheduled hearings in the following eight related trials on the same date (January 14, 2016):

- IPR2015-00014, IPR2015-00016, IPR2015-00019 and IPR2015-00034 (related to U.S. Patent No. 8,150,808; the '808 patent);
- IPR2015-00025 and IPR2015-00026 (related to U.S. Patent No. 8,161,077; the '077 patent);
- IPR2015-00052 (related to the '944 patent); and
- IPR2015-00128 (related to U.S. Patent No. 8,468,174; the '174 patent)¹.

The '808, '077, '174, and '944 patents are directed to similar technologies (there are, however, some unique features related to the '174 patent). The nine trials will therefore involve overlapping issues and arguments. Thus, Actifio requests that the PTAB provide a consolidated oral argument for all nine trials in which Actifio is given two hours to present its arguments, including any time reserved for rebuttal arguments. Actifio also requests permission to use a computer, projector, and screen to display possible demonstratives and exhibits.

¹ IPR2015-00136 (also related to the '174 patent) was consolidated with IPR2015-00128.

For the instant IPR, Actifio specifies the following issues to be argued:

- I. The grounds on which the instant IPR trial was instituted, i.e.: claims 1, 2, 3, 4, 10, 11, 12, 17, 18, and 21 for obviousness over Sanders in view of Edwards and Patterson, claims 5, 6, and 19 for obviousness over Sanders in view of Edwards, Patterson, and Fair, and claim 9 for obviousness over Sanders in view of Edwards, Patterson, and Data ONTAP Guide. This may include, for example, the level of ordinary skill in the art of the '944 patent and claim construction of terms of the '944 patent.
- II. Any issues specified by Patent Owner in a Request for Oral Argument.
- III. Any issues specified in any motions to exclude or motions for observation regarding cross-examination of reply witness filed by the parties.
- IV. Any issues otherwise raised by the Board.

Respectfully submitted,

Dated: December 7, 2015

By: /s/ Robert Steinberg

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Patent 8,548,944

CERTIFICATE OF SERVICE

The undersigned certifies that a complete copy of Petitioner Actifio, Inc.'s Request for Oral Argument was served on the following attorneys designated by

Patent Owner:

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via electronic mail delivery, on December 7, 2015.

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