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Subject: IPR2023-0344 Patent Owner's Request for Director Review
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Attachments: [Director Review 344IPR Filed.pdf](#)

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Dear Director,

SpaceTime3D, Inc., the Patent Owner in IPR2023-00344, respectfully recommends and requests Director Review or rehearing by the Delegated Review Panel of the Final Written Decision issued by the Board in this proceeding. Attached is a copy of Patent Owner's Request for Director Review submitted today via P-TACTS.

The Board's Final Written Decision fails to resolve a case dispositive question of claim construction, namely whether "replacing said plurality of images ... with one of said first, second, and third objects" requires the images to be replaced with the object that was previously generated (*i.e.*, when the application was first opened), hence "said object," thereby allowing the user to resume where they last left off with respect to said object and its application-specific data. Patent Owner argued for such a construction and Petitioner's position was that "no such limitation is recited in the claims." Despite this controversy, the Board failed to construe this limitation, which led to an erroneous legal conclusion of obviousness (as the prior art does not teach this limitation as properly construed). The Board's obviousness determination is inconsistent with a related parallel proceeding (consolidated with the '344 IPR) where a similar limitation was construed, resulting in certain claims being found not unpatentable. See IPR2023-00242.

The Request for Director Review addresses the following two issues, as ranked in order of priority, just as they are presented in Section III of Patent Owner's Request for Director Review.

1. **Important Issue of Law:** The Board failed to construe the phrase "one of said first, second, and third objects" despite a controversy between the parties, with Patent Owner's presenting a construction that is consistent with the claims, supported by the specification, and logically consistent with findings in the related parallel proceeding, IPR2023-00242.
2. **Erroneous Conclusion of Law:** – The Board's failure to resolve the claim construction dispute resulted in its flawed obviousness conclusion, where Petitioner presented no evidence or arguments that a POSITA would have found this limitation, as properly construed, obvious over the prior art identified in the Petition, with the cited prior art actually teaching the opposite of that which is claimed, *i.e.*, opening an application in response to interacting with image—not replacing the images with the previously generated object, thereby allowing the user to pick up where they last left off.

Respectfully -

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