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Subject: IPR2023-00400 - Petitioner's Request for Director Review of Institution Decision
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Attachments: [Request for Director Review.pdf](#)

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Dear Honorable Director Vidal,

Petitioner Dental Imaging Technologies Corporation hereby gives notice that today it filed a Request for Director Review regarding the Board's decision not to institute in IPR2023-00400. Courtesy copies of the filings are attached. Counsel for all parties are copied on this email.

Pursuant to the USPTO's guidance regarding the Revised Interim Director Review Process, Petitioner provides the following identification of the errors in the Board's institution decision. The Board's decision is the third in a series of institution denials in IPRs brought by Petitioner, and closely follows the Board's reasoning in those prior decisions. But this proceeding is different, as it involves a different patent and different prior art references, and by attempting to shoehorn the new references into its prior analysis for the other patents, the Board erred in failing to address the numerous motivations to combine presented in the Petition. In addition, the Board also erred in finding no motivation to combine merely because there are alleged "differences" between references. Moreover, the Board's error in this regard is compounded because the alleged differences identified by Patent Owner and adopted by the Board relate to disclosures that are not part of the proposed combinations. Rather, those combinations merely incorporate a well-known concept into the primary reference.

Petitioner respectfully requests the Board's institution decision be reversed and trial instituted.

Respectfully submitted,

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