

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HESAI TECHNOLOGY CO. LTD.,
Petitioner,

v.

OUSTER, INC.,
Patent Owner.

IPR2023-01375 (Patent 11,190,750 B2)
IPR2023-01376 (Patent 11,178,381 B2)¹

Before KALYANK. DESHPANDE, *Acting Deputy Chief Administrative
Patent Judge.*

DECISION
Dismissal Prior to Institution of Trial
37 U.S.C. § 314

¹ This Order addresses issues that are the same in both above-captioned proceedings. The parties are not authorized to use this style heading in subsequent papers.

IPR2023-01375 (Patent 11,190,750 B2)

IPR2023-01376 (Patent 11,178,381 B2)

On September 5, 2023, Hesai Technology Co. Ltd. (“Petitioner”) filed a Petition requesting *inter partes* review of claims 44–48 and 50 of U.S. Patent No. 11,190,750 B2 and a Petition requesting *inter partes* review of claims 1–3, 5–8, and 10–17 of U.S. Patent No. 11,178,381 B2. IPR2023-01375, Paper 2; IPR2023-01376, Paper 2. On September 18, 2023, Petitioner requested authorization “to file a corrected Petition or, in the alternative, to dismiss the original Petition for purposes of refiling a new (corrected) Petition” in both proceedings. IPR2023-01375, Ex. 3001; IPR2023-01376, Ex. 3001. Petitioner explains that corrections are necessary to replace an incorrect reference publication number, but such correction would not substantively change any prior art argument presented in the Petitions. *Id.* Petitioner also indicates that “there is no statutory bar date at issue (the district court complaint was served only 4.5 months ago, and it is now stayed.).” *Id.*

At this stage of the proceedings, Patent Owner has not yet filed a preliminary response and a decision whether to institute a trial has not issued. Under these circumstances, I grant Petitioner’s request to dismiss the Petitions in these proceedings. Petitioner may file new corrected Petitions mindful of the timing requirements in 35 U.S.C. § 315(b).

It is

ORDERED that the Petition in IPR2023-01375 (Paper 2) and the Petition in IPR2023-01376 (Paper 2) are administratively dismissed.

IPR2023-01375 (Patent 11,190,750 B2)

IPR2023-01376 (Patent 11,178,381 B2)

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