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Subject: IPR2023-01458 Request for Director Review
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Attachments: [IPR2023-01458 Request for Director Review.pdf](#)

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Honorable Director,

Hesai Technology Co., Ltd., the Petitioner in IPR2023-01458, respectfully recommends and requests Director Review of the Final Written Decision issued by the Board in that proceeding. Concurrently herewith, Petitioner has filed the attached Petitioner's Request for Director Review.

The Board denied institution after erroneously concluding that a drawing in a prior patent failed to depict a claimed arrangement—contrary to both the drawing itself and the only testimony evidence in the record. The Decision here mirrors the same errors noted in the recent *Mahle* case, which resulted the institution decision being vacated and remanded.

The Decision additionally raises an important issue of policy—one that is refined for review here due to the unique relationship between the prior patent, the Patent Owner, and the Board's previous findings for that same prior patent. Consistent with *Cuozzo Speed*'s identification of the "basic" Congressional purpose of IPR and "the public's paramount interest" therein, Director Review is needed here to address what should be the minimum level of inquisitiveness required from the Board at the institution stage where a patent owner presents mere attorney argument questioning the teaching of its own prior patent contrary to un rebutted testimony on that same issue.

Respectfully,

Michael Hawkins

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