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To: [Director PTABDecision Review](#)
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Subject: IPR2023-01461 (US 8,596,255) - Petitioners' Request for Director Review
Date: Wednesday, March 6, 2024 2:05:05 PM
Attachments: [Petitioners Request for Director Review "255.pdf"](#)

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Dear Director Vidal,

Petitioners in the above-captioned IPR respectfully request Director Review of the Board's decision not to institute review (Paper No. 10, dated February 12, 2024). Attached is a copy of the Request for Director Review filed today in P-TACTS.

Petitioners hereby provide the following priority-ranked list of the issues for which Petitioners seek Director Review:

Abuse of Discretion

1. Whether the Board abused its discretion by failing to consider evidence of secondary considerations in the form of simultaneous invention, which evidence contradicts the Board's only rationale for denying institution, the alleged absence of a motivation to combine.
2. Whether the Board abused its discretion by arbitrarily ignoring admissions made by Patent Owner's expert and other record evidence which were contrary to the Board's findings of no motivation to combine.
3. Whether the Board abused its discretion by relying on the personal experience of Petitioners' expert without any evidence that such experience was known and practiced by a POSA to find no motivation to combine.

Petitioners are also submitting requests for Director Review of similar institution denials in IPR2023-01348 (US 8,371,282) and IPR2023-

01339 (US 8,640,683) for two related patents.

Respectfully,

Kenneth P. George
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