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Subject: IPR2024-00083 – PATENT OWNER's REQUEST FOR DIRECTOR REVIEW
Date: Friday, May 31, 2024 8:25:06 PM
Attachments: [2024.05.31 Woodway Request for Director Review.pdf](#)

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Dear Director Vidal,

Patent Owner in the above-captioned proceedings respectfully requests Director Review of the decision to institute *inter partes* review on the grounds that it presents an abuse of discretion and important issues of law or policy.

Patent Owner believes that this Request for Director Review presents an issue of first impression, namely whether 35 U.S.C. §311(a), which provides in relevant part that only “a person who is not the owner of a patent” may file a petition for *inter partes* review, is jurisdictional in nature. Patent Owner further provides the following description and priority-ranked list of issues for which it seeks Director Review:

1. **Important Issue of Law or Policy**

· Whether 35 U.S.C. §311(a) is jurisdictional or procedural and thus that the putative petitioner's noncompliance with the requirement that the identified petitioner be “a person who is not the owner of a patent” could be excused and corrected post-filing.

2. **Abuse of Discretion**

· If compliance with 35 U.S.C. §311(a) is deemed procedural, whether the Board abused its discretion in applying a different standard for establishing prejudice to the Patent Owner with respect to the identification of the petitioner than that applied to requirements regarding the filing of a petition, service of a petition, and payment of filing fees by no later than the statutory bar date.

All counsel of record have been copied on this email, and a copy of the Request for Director Review has been filed in the PTACTS system as Paper 18, a copy of which is attached hereto. Should the Director require or wish to request supplemental briefing on any issues presented in the Request for Director Review, Patent Owner would be happy to provide it.

Sincerely,

Rick McKenna
Intellectual Property Partner

IPR2024-00083
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