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Subject: IPR2024-00322: Comcast v. Touchstream - Request for Director Review of the Board's Institution Decision
Date: Thursday, August 15, 2024 10:59:30 PM
Attachments: [IPR2024-00322 - Patent Owner's Request for Director Review of Institution Decision - 2024.08.15.pdf](#)

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Dear Director Vidal:

Patent Owner, Touchstream Technologies, Inc., writes pursuant to the Revised Interim Director Review Process (RIDRP) to provide you with notice that Patent Owner has today filed with the Patent Trial and Appeal Board via its P-TACTS system the attached Request for Director Review of the Board's Institution Decision in IPR2024-00322. Pursuant to the RIDRP, Patent Owner provides the following brief summary: This Request for Director Review addresses an important issue of law and policy regarding whether the Board may rely on arguments the Petition does not advance in determining at institution whether a challenge satisfies the "compelling merits" standard under *Fintiv* factor six. As set forth in more detail in the Request, Patent Owner submits that the Board may not do so, because: i) the law does not permit reliance on such arguments in a final written decision, and ii) the "compelling merits" standard examines the likelihood of a challenge prevailing in such a final written decision. Pursuant to the RIDRP, Patent Owner states that it believes this Request presents an issue of first impression.

Sincerely,
Jason Mudd
Counsel for Patent Owner

Jason R. Mudd
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