

From: [Steven Katz](#)
To: [Director PTABDecision Review](#)
Cc: Delta-Vicor-IPRs@perkinscoie.com; [Anastasia Renard](#); [Lawrence Kolodney](#)
Subject: IPR2024-00704: Petitioner's Request for Director Review
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Attachments: [704 Proceeding Request for Director Review.pdf](#)

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Dear Director:

Vicor Corporation, the Petitioner in IPR2024-00704, respectfully requests Director Review of the Institution Decision denying institution.

The Board denied institution of Ground 1 of the Petition because Petitioner sought *inter partes* review based on Patent Owner's broad claim construction applied in litigation, which Petitioner contends is incorrect. There is a Board split on this issue, with various panels instituting review based on Patent Owner's asserted claim construction in co-pending litigation, but other panels denying institution where Petitioner does not defend the claim construction.

The Director is currently considering this very issue in IPR2024-00319. Vicor submits that the Director should grant Review and provide guidance to the Board that it should not be denying institution merely because the Petitioner seeks review under Patent Owner's claim construction rather than the claim construction Petitioner believes to be correct.

Vicor's Request for Director Review has been filed and is attached here.

Respectfully,

Steven Katz

Principal ■ Fish & Richardson P.C.

T: 617 521 7803 | katz@fr.com | [Bio](#)

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