

From: [Steven Katz](#)
To: [Director PTABDecision Review](#)
Cc: Delta-Vicor-IPRs@perkinscoie.com; [Anastasia Renard](#); [Lawrence Kolodney](#)
Subject: IPR2024-00715: Petitioner's Request for Director Review
Date: Thursday, October 31, 2024 10:28:04 PM
Attachments: [715 Proceedings Request for Director Review.pdf](#)

CAUTION: This email has originated from a source outside of USPTO. **PLEASE CONSIDER THE SOURCE** before responding, clicking on links, or opening attachments.

Dear Director,

Vicor Corporation, the Petitioner in IPR2024-00715, respectfully requests Director Review of the Institution Decision denying institution.

The Board's decision raises a significant policy issue concerning how the Board should apply 37 C.F.R. § 42.108(c), which states that the Board "will take into account" a Patent Owner's testimonial evidence. The question presented by the Board's decision is whether the Board should have "credited" (on the incomplete record at institution) Patent Owner's expert's testimony regarding a new issue that was not supported by any objective documentary evidence and whose testimony is contrary to the teachings of the prior art of record.

Vicor submits that when the Board is faced with a "battle of the experts" without supporting documentary evidence on an issue, the Board should institute and defer fact finding on that issue until a more fulsome record is developed at trial.

Vicor's Request for Director Review has been filed and is attached here. An identical request for Director Review is being filed in IPR2024-00706, which concerns the same patent.

Respectfully,

Steven Katz

Principal ■ Fish & Richardson P.C.

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

This email message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized use or disclosure is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

