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Subject: AT&T et al v. ASUS Technology Licensing Inc. IPR2024-00997 - Petitioners' Request for Director Review
Date: Wednesday, January 15, 2025 4:04:05 PM
Attachments: [image573638.png](#)
[image369462.png](#)
[2025 01 15 IPR2024-00997 \("754\) Request for Director Review.pdf](#)

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Dear Honorable Acting Director Brent,

I write on behalf of lead counsel for Petitioners in IPR2024-00997. As required by the Revised Interim Director Review Process, Petitioners notify the Director that it has filed a Request for Director Review of the Board's decision deny institution of *inter partes* review. A courtesy copy is attached.

As explained more fully in the Request, the Board abused its discretion in denying institution of this Request for IPR. Petitioners' priority ranking of issues is as follows: (1) whether, in its analysis of Fintiv Factor 6, the Board erred in failing to fully consider the teachings of the prior art cited in the Petition and in failing to give any weight to Petitioners' testimony from a POSITA while crediting Patent Owner's unsupported attorney argument, and (2) whether the Board erred in denying institution by giving impermissible weight to Fintiv Factor 2, in direct contravention of the guidance provided by former-Director Vidal, when the Board acknowledged that the other Fintiv factors were either neutral or weighed against discretionary denial.

Petitioners respectfully request that the Panel decision be reversed and trial instituted in the aforementioned IPR.

Respectfully Submitted,

Scott Hejny
Lead Counsel for Petitioners

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