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To: [Director PTABDecision Review](#)
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Subject: IPR2023-00861 - Petitioner's Request for Director Review
Date: Wednesday, November 29, 2023 8:29:42 PM
Attachments: [Petitioner's Request for Director Review.pdf](#)

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Dear Director Vidal,

Petitioner in the above-captioned IPR respectfully requests Director Review of the decision not to institute review.

Petitioner hereby provides the following priority-ranked list of the issues for which Petitioner seeks Director Review:

Abuse of Discretion

The Decision did not identify any claim element allegedly missing from any of the three prior art references independently advanced by Petitioner. Instead, it denied institution on the basis that the references do not expressly *recite* a claimed dimensional range—“within 10 inches”—between the “sacrificial anode” and “liquid inlet” elements of the radiator. In doing so, the Decision clearly disregarded the prior art’s facial teaching of the dimensional range.

1. Whether the Decision is an abuse of discretion for erroneously finding that Figure 1 of Int’l Patent App. Pub. No. 03/100337 to Godefroy et al. (“Godefroy,” EX1008) does not teach or suggest the “sacrificial anode” being located “within 10 inches” of the liquid inlet, when Figure 1 facially depicts the “sacrificial anode” located at, and lining, the liquid inlet and therefore is necessarily “within 10 inches” such that no dimensions need be recited;
2. Whether the Decision is an abuse of discretion for erroneously concluding that patent drawings cannot teach or suggest dimensional ranges without reciting dimensions; and
3. Whether the Decision is an abuse of discretion for allowing the aforementioned errors to infect its analysis of Petitioner’s alternative obviousness arguments.

Best regards,

-Roberto

Roberto J. Fernandez

IPR2023-00861
Ex. 3100

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