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**Subject:** IPR2022-01004 (Patent 9,614,943 B1) - Request for Director Review  
**Date:** Wednesday, January 3, 2024 8:29:57 PM

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Honorable Director,

Petitioner in IPR2022-01004 respectfully requests Director Review of the Final Written Decision (Paper 40) issued by the Board on December 4, 2023. Concurrently herewith, Petitioner has filed a Request for Rehearing by the Director in the Patent Trial and Appeal Case Tracking System (P-TACTS). This request for Director Review involves issues related to the issues identified in the Director Review requested in IPR2022-01005 on January 2, 2024.

Petitioner's request seeks review of the Board's decision that a POSITA would not have combined the Raleigh and Byrne references because Petitioner failed to show a reasonable expectation of success in implementing Raleigh's "remote unit" as a telephone. In particular,

- a. The Board erred because the record includes clear evidence that radio telephones were well-known by the 1999 filing date of the challenged patent, the secondary reference (Byrne) in the combination describes a telephone, and the primary reference (Raleigh) describes its technology as being applicable to "remote units."
- b. The Board's decision also applied the incorrect standard for reasonable expectation of success by finding that the prior art did not explicitly describe the proposed modification ("[t]he cited portions of Raleigh and Byrne do not describe adding Raleigh's signal processing system to a radio telephone" (FWD, 84)), rather than assessing whether a skilled artisan would have reasonably expected success in implementing the "remote unit" as a telephone.
- c. The Board's decision further failed to consider the challenged patent's sparse disclosure of how to implement the claimed features in a telephone.
- d. Finally, the Board misapprehended the combination by only assessing whether it would have been obvious to implement Raleigh's signal processing in a telephone, where the Petition clearly proposed modification of Raleigh's "remote unit," not a telephone, and the Board acknowledged the same without addressing the argument ("combination can be read to add only Byrne's cordless circuitry to Raleigh's remote unit," FWD, 86).
- e. These failings reflect an (a) abuse of discretion, (b) important issue of law or policy, (c) erroneous findings of material fact, and/or (d) erroneous conclusions of law for which the Board would benefit from Director Review. Indeed, the Board would benefit from Director guidance on the correct standard for assessing reasonable expectation of success, the proper role a patent's disclosure plays in evaluating obviousness, and the

need to address all arguments presented in a Petition.

For these reasons, Petitioner respectfully requests Director Review of the Board's Final Written Decision.

Respectfully Submitted,  
Jeremy J. Monaldo

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