

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC.

Petitioner,

v.

LIONRA TECHNOLOGIES LIMITED,

Patent Owner.

Case IPR2024-00734
U.S. Patent 7,632,518

**PATENT OWNER'S REQUEST FOR DIRECTOR REVIEW
UNDER 37 C.F.R. § 42.75**

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Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

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I. Introduction

Patent Owner Lionra Technologies Limited (“Patent Owner”) respectfully requests, pursuant to 37 C.F.R. § 42.75, Director Review of the Final Written Decision (Paper 27, “FWD”) that claims 15, 17 (which depends from claim 15), 19, and 20-21 (which depend from claim 19) of US Patent No. 7,632,518 (“the ’518 Patent”) are unpatentable as obvious over U.S. Patent Nos. 6,651,096 (“Gai”), 7,003,597 (“Georgiou”), 7,523,485 (“Kwan”), and 8,751,647 (“Yip”). The Board’s unpatentability decision rests on an erroneous claim construction decision based, at least in part, on evidence that was introduced *sua sponte* by the Board in the Final Written Decision without any opportunity for Patent Owner to address or rebut Exhibit 3001, a dictionary definition cited by the Board in the FWD and entered as an exhibit after the hearing. This constituted an abuse of discretion resulting in an erroneous finding of material fact (the dictionary definition) and an erroneous conclusion of law (claim construction based on, *inter alia*, the dictionary definition).

The Board’s unpatentability decision that claims 15, 17, and 19-21 are unpatentable under § 103(a) because the claims would have been obvious over Gai, Yip, Kwan and Georgiou should be reversed and the Board directed to reconsider the question of unpatentability of claims 15, 17, and 19-21 only after considering the

proper construction of “a circuit” in claims 15 and 19 without reference to, or consideration of, the dictionary definition in Exhibit 3001.

II. Legal Standard

In accordance with the USPTO's Director Review process, Director Review of a Board's final decision is warranted if the decision presents “(a) an abuse of discretion, (b) important issues of law or policy, (c) erroneous findings of material fact, or (d) erroneous conclusions of law.”¹

III. Background

The '518 Patent, entitled “Dynamic Access Control Lists,” recites method and apparatus claims. Ex. 1001, 10:12-12:61. The independent apparatus claims 15 and 19 recite the identical limitation of “a memory circuit coupled to the forwarding circuit, the memory circuit operable to store packets and operable to store an enhanced access control list and a dynamic access control list; ...”. *Id.*, 12:4-7, 37-40.

Patent Owner argued that each of these claim limitations is directed to a memory circuit and that “a memory circuit” is not disclosed by four (or five) memory circuits with different types of memory. Paper 9, Patent Owner's Response, 28-33.

¹ <https://www.uspto.gov/patents/ptab/decisions/director-review-process>, Section 2.B, last updated March 5 and 18, 2025.

Petitioner disagreed, Paper 13, Petitioner's Reply to Patent Owner's Response, 22-26. Patent Owner responded to Petitioner's arguments in Paper 18, Patent Owner's Sur-reply, 13-19. Neither Petitioner nor Patent Owner cited or referenced any dictionary definitions in the twenty plus pages of briefing addressing "a memory circuit." Nor were dictionary definitions referenced during oral argument on July 14, 2025. *See* Paper 24, Hearing Transcript.

The Final Written Decision was issued by the Board on October 3, 2025. Paper 27, FWD. The Board *sua sponte* filed Exhibit 3001, Microsoft Computer Dictionary 5th Ed., on the same day, October 3, 2025. The Board cited to Exhibit 3001 in the Board's discussion of circuit in the Final Written Decision. Paper 27, FWD, 95.

Because the dictionary definition was raised for the first time in the Final Written Decision, Patent Owner did not have any opportunity to address or respond to the dictionary definition in Exhibit 3001. This was a violation of the Administrative Procedure Act meriting Director Review.

IV. The Board's Exhibit 3001 was a violation of the Administrative Procedure Act because it was never referenced or filed until the Final Written Decision.

The Administrative Procedure Act particular requirements on the PTO and affords Patent Owners certain procedural rights. In this case, Patent Owner was not

afforded notice of, or an adequate opportunity to respond to, the Board's introduction of the dictionary definition of Exhibit 3001.

“A patent owner in [an IPR] is undoubtedly entitled to notice of and a fair opportunity to meet the grounds of rejection,’ based on due process and Administrative Procedure Act (APA) guarantees. *Belden Inc. v. Berk-Tek LLC*, 805 F.3d 1064, 1080 (Fed. Cir. 2015). For IPRs, ‘the APA imposes particular requirements on the PTO. The agency must ‘timely inform[]’ the patent owner of ‘the matters of fact and law asserted,’ 5 U.S.C. § 554(b)(3), must provide ‘all interested parties opportunity for the submission and consideration of facts [and] arguments . . . [and] hearing and decision on notice,’ *id.* § 554(c), and must allow ‘a party . . . to submit rebuttal evidence . . . as may be required for a full and true disclosure of the facts,’ *id.* § 556(d).’ *Dell Inc. v. Acceleron, LLC*, 818 F.3d 1293, 1301 (Fed. Cir. 2016) (alterations in original). Under the APA, [the Federal Circuit] must ‘hold unlawful and set aside agency action . . . not in accordance with law [or] . . . without observance of procedure required by law.’ 5 U.S.C. § 706. *Qualcomm Inc. v. Intel Corp.*, 6 F.4th 1256, 1262 (Fed. Cir. 2021).

There is nothing in the record that suggests Patent Owner was provided with adequate notice that the Board intended to rely on a dictionary definition. Nor is there any question that Patent Owner was deprived of any opportunity to address the

dictionary definition *sua sponte* relied upon by the Board. Had Patent Owner been able to do so, Patent Owner could have perhaps responded that “a combination of electrical components interconnected to perform a particular task” was inapposite or provided contradictory dictionary definitions. Simply put, Patent Owner had no opportunity to respond and there was “no opportunity for [the Patent Owner] to supply evidence, whether expert or lay or documentary evidence.” *Dell Inc. v. Accelaron, LLC*, 818 F.3d 1293, 1301 (Fed. Cir. 2016).

Although Patent Owner is not required to seek director review or request rehearing when a Board decision violates the Patent Owner's procedural rights, *Qualcomm Inc. v. Intel Corp.*, 6 F.4th 1256, 1265 (Fed. Cir. 2021), the Federal Circuit has recognized that it might be a more efficient use of resources if Patent Owner does so. *Id.*

V. Conclusion

When the Board issued the Final Written Decision in this *Inter Partes* Review, the Board *sua sponte* cited and filed new evidence, Exhibit 3001, without any notice to Patent Owner and to which Patent Owner never had an opportunity to address or respond. This constitutes a violation of the Administrative Procedure Act meriting Director Review.

IPR2024-00734
Patent No. 7,632,518
Patent Owner's Request for Director Review

Respectfully submitted,

Dated: November 3, 2025

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CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e))

The undersigned hereby certifies that the above document was served on November 3, 2025, by filing this document through the Patent Trial and Appeal Case Tracking System as well as delivering a copy via electronic mail upon the following attorneys of record for the Petitioner:

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