

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

THERMALTAKE TECHNOLOGY CO., LTD. and THERMALTAKE INC.,
Petitioner,

v.

CHIEN-HAO CHEN, Patent Owner.

Case No. IPR2024-01230
U.S. Patent No. 10,690,336

PATENT OWNER'S REQUEST FOR DIRECTOR REVIEW

TABLE OF CONTENTS

I. INTRODUCTION 1

II. BACKGROUND 2

III. ARGUMENT 11

IV. CONCLUSION.....14

TABLE OF AUTHORITIES

Page(s)

Cases

Chicago Bd. Options Exchange, Inc. v. International Sec. Exchange, LLC,
677 F.3d 1361 (Fed. Cir. 2012) 13

J & M Corp. v. Harley–Davidson, Inc.,
269 F.3d 1360 (Fed. Cir. 2001) 14

Lian Li Industrial Co. Ltd. v. Thermaltake Tech. Co., Ltd.,
No. 2:23-cv-07470-HDV-MAR, 2024 WL 4800671 (C.D. Cal. Oct. 4, 2024) 4

Lian Li Industrial Co., Ltd. v. Thermaltake Technology Co., Ltd. and Thermaltake Inc.,
No. 2:23-cv-07470 HDV (MARx) (C.D. Cal.).....3

Revvo Technologies, Inc. v. Cerebrum Sensor Technologies, Inc.,
IPR2025-00632, Paper 20 (Director November 3, 2025).....1, 2, 11, 12

Tesla, Inc. v. Intellectual Ventures II, LLC,
IPR2025-00340, Paper 18 (Director November 5, 2025).....1, 2, 12, 14

Statutes

35 U.S.C. § 112(f).....13

Other Authorities

Rule 42.104(b)(3).....1, 11

I. INTRODUCTION

Patent Owner respectfully seeks Director Review and vacatur of the institution and final written decisions in this matter in light of the Director’s precedential decision in *Revvo Technologies, Inc. v. Cerebrum Sensor Technologies, Inc.*, IPR2025-00632, Paper 20 (Director November 3, 2025) (“*Reevo*”) and his informative decision in *Tesla, Inc. v. Intellectual Ventures II LLC*, IPR2025-00340, Paper 18 (Director November 5, 2025) (“*Tesla*”), both of which were decided after all briefing on this IPR was complete.¹ These recent decisions establish that an IPR petition is deficient under Rule 42.104(b)(3) when, as here, a petitioner advances inconsistent claim construction positions in concurrent IPR and district court proceedings, and offers no sufficient explanation for the inconsistency.

The Board here issued a final written decision that correctly rejected Petitioner’s obviousness combinations based on the *Tsuji* prior art, but then adopted Petitioner’s obviousness combinations based on the *Lai* prior art. The key to the Board’s finding of unpatentability based on *Lai* was the adoption (at Petitioner’s urging) of an exceptionally broad interpretation of a key claim term, “**illumination area**,” as simply “an area that is illuminated” that does not require any illuminating physical structure. (Paper 50 at 18-19, 28-30.)

Petitioner’s IPR construction position is irreconcilably in conflict with its

¹ The Patent Owner’s Sur-Reply (Paper 35) was filed on October 24, 2025.

litigation position in which Petitioner urged the district court to construe “**illumination area**” as a means-plus-function term limited to specific structure disclosed in the patent specification, a construction that Petitioner told the district court would have case dispositive effects. (EX1022 at 3, 6.) The IPR petition here acknowledged that Petitioner was not adopting its district court constructions, but offered no explanation for the inconsistency and made no attempt to show that the prior art would meet Petitioner’s district court construction of “illumination area” if applied here. (Petition at 7.)

The concerns expressed in *Revvo* and *Tesla* warrant Director Review. Petitioner’s broad construction of “**illumination area**” in this IPR is not only inconsistent with the narrow position it urged the district court to adopt, but is essential to the Board’s finding of unpatentability over the *Lai* prior art. And as noted below, the “**illumination area**” term is not alone – there are five other terms from the patent for which Petitioner urged the district court to adopt narrow constructions that were promptly abandoned in IPR. (EX1022 at 3-5.) Accordingly, Patent Owner respectfully requests that the Director vacate the institution and final written decision and terminate these IPR proceedings.

II. BACKGROUND

Petitioner filed its IPR petition on July 26, 2024 (Paper 1 (“Petition”)), arguing that claims 1-5 of U.S. Patent No. 10,690,336 (EX1001, the “’336 Patent”) were obvious under two separate sets of obviousness combinations based on *Tsuji*

(Grounds 1-3) and *Lai* (Grounds 4-7). (Petition, 5-6.) In the section of the Petition titled “Claim Construction,” Petitioner asserted:

Patent Owner has contended in the co-pending California Action that all claim terms in the '336 Patent should be accorded their plain and ordinary meaning. Ex[1022] at 1-4. For the purposes of this Petition, Petitioner[] also give[s] the claim terms in the '336 Patent their ordinary and customary meaning that they would have to a person having ordinary skill in the art at the time of the alleged invention (“PHOSITA”).

(Petition at 7.) Petitioner further stated, in a footnote, that it “reserve[d its] right to pursue different claim construction positions in the California Action” (*Id.* at 7, n.1.)

The “California Action” referenced in the IPR petition refers to the co-pending district court litigation involving the '336 Patent, *Lian Li Industrial Co., Ltd. v. Thermaltake Technology Co., Ltd. and Thermaltake Inc.*, No. 2:23-cv-07470 HDV (MARx) (C.D. Cal.) (“the California Action”), in which Petitioner is the named Defendants. On June 20, 2024, more than a month *before* the filing of the IPR petition, Petitioner and Patent Owner filed a “Joint Claim Construction and Prehearing Statement” (“JCCS”) with the district court, identifying the terms for which the parties sought construction and their respective proposed constructions. (EX1022.) Petitioner (as Defendants in the California action) identified “**illumination area**” as the #1 term for which they sought construction, as shown in

the following excerpt from the JCCS filed in the California Action:

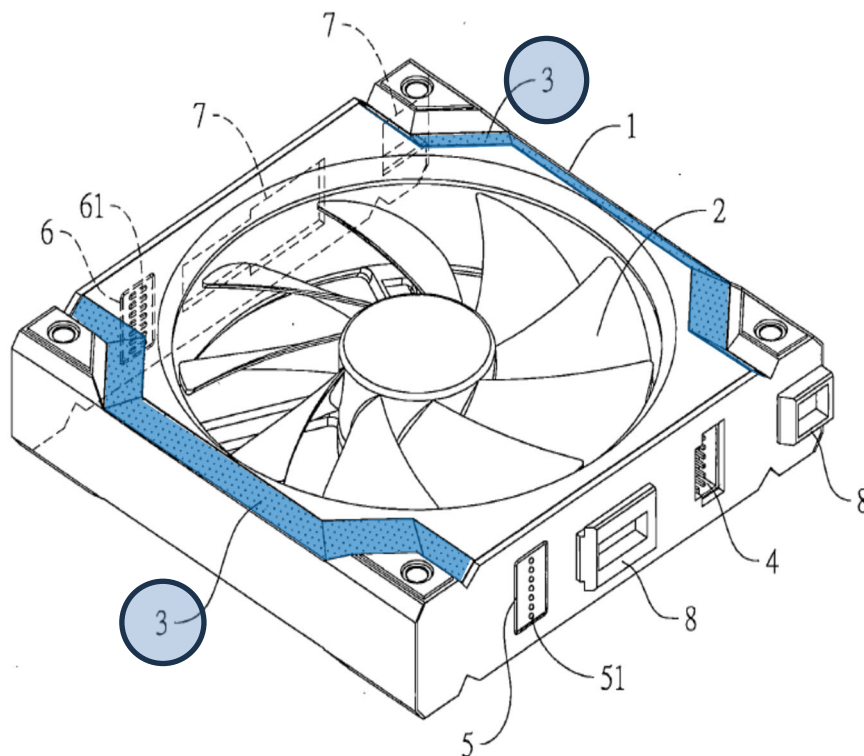
	Terms & Asserted Claim(s)	Plaintiffs' Proposal	Defendants' Proposal
#1	“illumination area” (Claims 1, 2)	Plain and ordinary meaning	This term is written as a means-plus-function subject to § 112(f). Function: illumination. Structure: '336 Patent, Fig. 1 (3); Fig. 2 (3); Fig. 3 (3); Fig. 4 (3); Fig. 5 (3); 1:53-2:2; 2:3-11; 2: 12-15; 2:61-67; 2:67-3:3; 3:4-3:6; 3:16-17.

(EX1022 at 3.) As shown, Petitioner argued that “**illumination area**” should be construed as a means-plus-function term. (*Id.*) Petitioner also told the Court that this term was claim or case dispositive:

Term(s)	Claim(s)	Claim or Case Dispositive?
“illumination area”	1, 2	Lian Li: No Thermaltake: Yes

(*Id.* at 6.) Subsequently, Petitioner further submitted briefing and expert testimony to the district court in support of its proposed construction of “**illumination area**” in the California Action. The district court did not rule on the claim construction issue because it stayed the California Action in view of this IPR. *See Lian Li Industrial Co. Ltd. v. Thermaltake Tech. Co., Ltd.*, No. 2:23-cv-07470-HDV-MAR, 2024 WL 4800671 (C.D. Cal. Oct. 4, 2024). Petitioner has never withdrawn any of its claim construction positions in the California Action.

The interpretation of “**illumination area**” took on central importance in these IPR proceedings. The ’336 Patent concerns an illumination fan for a computer that includes, among other things, a body and a fan in center of the body and an illumination area. (Petition at 8 (citing EX1001).) Specifically, limitation [b] of claim 1 (the sole independent claim) recites “an *illumination area* on at least two sides of the fan *at top of the body*.” (EX1001, 4:5-7.) Figure 1, reproduced in relevant part and annotated below, shows one example of the claimed illumination fan that includes an **illumination area 3 at the top of the body 1** of the fan. Figure 1 also shows a power socket 4 which is electrically connected to illumination area 3. (EX1001, 2:67-3:3.) “As such, once the power socket 4 at a side of the body is supplied with power, the fan 2 of the body 1 can be driven into rotation and the illumination area 3 can be illuminated.” (*Id.*, 3:4-6.)



(EX1001, Fig. 1 (annotation added).) Petitioner sought institution under two sets of obviousness grounds respectively based on *Tsuji* (Grounds 1-3) and *Lai* (Grounds 4-7), but never attempted to demonstrate that the prior art disclosed an “**illumination area**” under Petitioner’s narrow district court construction. As noted, the Board’s final written decision correctly rejected the *Tsuji*-based grounds, but incorrectly adopted the *Lai*-based grounds.

The key to the Board’s finding with respect to the *Lai*-based grounds was a broad construction of “**illumination area**” urged by Petitioner. (Paper 50 at 18-19; *see also* Paper 23 (Petitioner Reply) at 1-5.) The Board stated that it was “persuaded by Petitioner’s argument that the plain and ordinary meaning of ‘illumination area’ is an area that is illuminated,” and that there was no requirement of “physical structure or device that itself generates light at the top of body.” (Paper 50 at 18.) Petitioner’s argument to the Board directly contradicted its district court litigation position that “illumination area” is a means-plus-function term that performed the function of “illumination,” with a corresponding § 112(f) structure including “’336 Patent, Fig. 1 (3); Fig. 2 (3); Fig. 3 (3); Fig. 4 (3); Fig. 5 (3); 1:53-2:2; 2:3-11; 2:12-15; 2:61-67; 2:67-3:3; 3:4-3:6; 3:16-17.” (EX1022 at 3.)

Patent Owner, for its part, argued in this IPR the plain and ordinary meaning of “illumination area” referred to a structure that provides illumination. Patent Owner explained that an illumination area as claimed “is not simply an area where light happens to be visible to the user – it is the area of the body that *actually*

generates light, i.e., illuminates.” (Paper 18 (Patent Owner Response, or “POR”) at 19 (emphasis original).) Patent Owner pointed to the language of claim 1 itself, which stated that the claimed power socket is “**electrically connected**” to the claimed “**illumination area**,” and that when the power socket is supplied with power, the illumination area is “**driven into . . . illumination.**” (Paper 18 (Patent Owner Response), 19-20 (quoting EX1002, 4:9-15, Cl. 1).) The Board did not explain how its broad construction – which merely requires an “area that is illuminated” – can be reconciled with the express requirement that the illumination area be “**electrically connected**” to the power socket and driven to illumination when power is supplied.

However, the Board *did* rely on Petitioner’s proposed construction to find that *Lai* discloses the claimed illumination area. (Paper 50 at 28-29; Paper 18 at 14-17.) This was critical as there was no dispute the LEDs in *Lai* (the sole source of illumination mapped to claim 1) are **not** located at the top of the body, as the claim language in the ’336 Patent expressly requires. *Lai*’s mapped “illumination area” is instead located on the inward-facing circular wall surrounding the fan cavity, as shown by the **red LEDs** in the annotated figure from *Lai* that was provided with Patent Owner’s response to the petition:

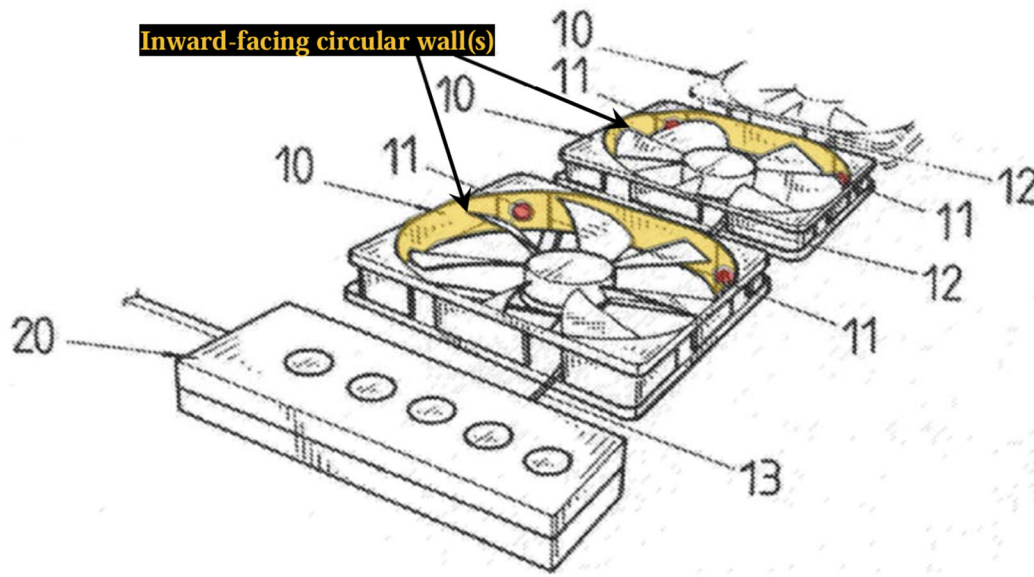


FIG. 3

(POR at 14-15 (*Lai* (annotated).) Patent Owner provided an annotated version of Figure 1 of the '336 Patent with *Lai*'s LEDs included, which illustrates how the '336 Patent's illumination area 3 "at top of the body" differs from *Lai*'s LEDs:

Illumination Area 3
of '336 Patent on
"Top of Body"

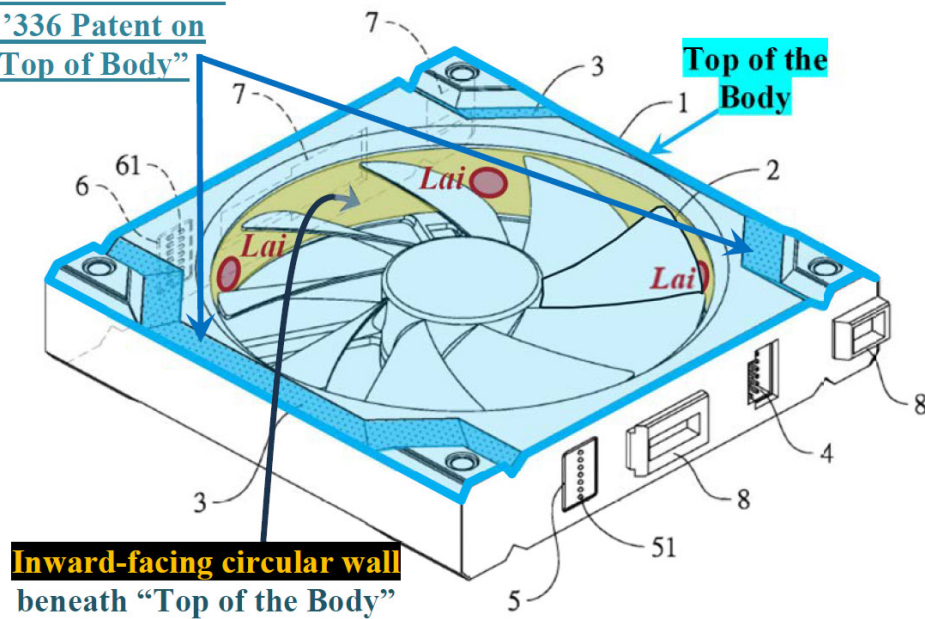


Fig. 1

(POR (Paper 18) at 16.) But this clear difference between *Lai* and the claimed “**illumination area**” presented no obstacle to the Board’s finding of unpatentability, as Petitioner’s proposed construction jettisoned any requirements of any illumination structure at the top of the body *and* the area’s electrical connection to the power socket as claimed. The Board instead reasoned that “the walls of *Lai*’s fan cavity, which extend to the top of fan cavity, would reflect and/or diffuse light, thereby forming an illumination area at the top of the fan body” (Paper 50 at 28-29).

Petitioner’s inconsistencies with its litigation positions did not end with the term “**illumination area.**” Petitioner sought express constructions in the district court for five other terms that were never pursued in this IPR, as shown in the following excerpt from the JCCS filed with the district court:

	Terms & Asserted Claim(s)	Plaintiffs’ Proposal	Defendants’ Proposal
#2	“connector” (Claims 1, 2)	Plain and ordinary meaning	A conductive structure for making physical contact with another conductive structure to close an electrical circuit.
#3	“power socket” (Claim 1)	Plain and ordinary meaning	An opening or hollow that forms a holder for a power plug that connects directly to a power supply for convenient replacement.
#4	“a power socket and a first connector on one side of	Plain and ordinary meaning	The phrase “on one side of the body” means a power socket and a connector both

	Terms & Asserted Claim(s)	Plaintiffs' Proposal	Defendants' Proposal
	the body” (Claim 1)		directly accessible and placed on the same side of the fan housing.
#5	“when the power socket on the one side of the body is supplied with power” (Claim 1)	Plain and ordinary meaning	The instance of directly connecting the power socket on the one side of the body to a power supply.
#6	“an electrically conductive terminal is provided in the first connector, and an electrically conductive contact surface is provided in the second connector for being electrically connected with the electrically conductive terminal” (Claim 2)	Plain and ordinary meaning	An electrically conductive post or strand of metal of the first connector for connecting to an electrically conductive surface of the second connector.

(EX1022 at 3-5.) As with “**illumination area**” discussed above, Petitioner never

mentioned these constructions in the IPR petition and made no attempt to show that the prior art satisfied them. Petitioner also represented to the district court that each of these five additional terms was case or claim dispositive:

Term(s)	Claim(s)	Claim or Case Dispositive?
“connector”	1, 2	Lian Li: No Thermaltake: Yes
“power socket”	1	Lian Li: No Thermaltake: Yes
“a power socket and a first connector on one side of the body”	1	Lian Li: No Thermaltake: Yes
“when the power socket on the one side of the body is supplied with power”	1	Lian Li: No Thermaltake: Yes
“an electrically conductive terminal is provided in the first connector, and an electrically conductive contact surface is provided in the second connector for being electrically connected with the electrically conductive terminal”	2	Lian Li: No Thermaltake: Yes

(EX1022 at 6.)

III. ARGUMENT

The precedential decision in *Revvo*, which was handed down after all briefing in this IPR was complete, clarified that IPR institution is inappropriate under Rule 42.104(b)(3) when, as here, the IPR petitioner “proposed different constructions for the claim terms in the district court litigation” but “did not explain why it was taking a different position here.” *Reevo* at 2. The Director further explained that the

“Board’s claim construction rules are designed to ensure that the Board correctly construes claim terms and to minimize inconsistency in claim construction between forums,” and to “that end, the rules discourage petitioners from seeking broader constructions at the Board to support a patentability challenge while seeking narrower constructions in litigation to avoid infringement liability.” *Id.* at 4.

Accordingly, “when a petitioner takes alternative positions before the Board and a district court, that petitioner should, at a minimum, explain why alternative positions are warranted.” *Id.* For example, in *Tesla*, the Director found that the inability of an IPR petitioner to raise indefiniteness challenges in IPR did not provide a sufficient explanation, because that “amounts to an assertion that a petitioner should be permitted to raise inconsistent invalidity challenges in the two forums.” *Tesla* at 3.

Petitioner cannot provide any sufficient explanation for its inconsistencies. The Petitioner stated in the IPR petition that it “reserve[d its] right to pursue different claim construction positions in the California Action” (Petition at 7, n.1). In other words, Petitioner’s inconsistencies were grounded in its belief that it had an absolute “right” to pursue inconsistent claim construction positions in the two forums. The precedential decision in *Revvo* makes clear that the purported “right to pursue different claim construction positions” (*id.*), does not exist.

It is also beyond dispute that Petitioner’s district court constructions are irreconcilably in conflict with the positions it took in the IPR. With respect to the

“**illumination area**” term, Petitioner argued to the district court that it is a means-plus-function term, which must be construed to cover “the corresponding structure . . . described in the specification or equivalents thereof.” 35 U.S.C. § 112(f). Federal Circuit law is clear that, when construing a means-plus-function claim limitation, the first step is to identify the function of the limitation. *See, e.g. Chicago Bd. Options Exchange, Inc. v. International Sec. Exchange, LLC*, 677 F.3d 1361, 1367 (Fed. Cir. 2012). Second, the “corresponding structure in the specification that performs the recited function” must be identified. *Id.* In the district court, Petitioner identified the “Function” of the claimed illumination area as “illumination” and the “Structure” as “’336 Patent, Fig. 1 (3); Fig. 2 (3); Fig. 3 (3); Fig. 4 (3); Fig. 5 (3); 1:53-2:2; 2:3-11; 2: 12-15; 2:61-67; 2:67-3:3; 3:4-3:6; 3:16-17.” (EX1022 at 3.)

By contrast in the IPR, not only did Petitioner fail to argue that “**illumination area**” was subject to § 112(6), they also took a completely opposite position, *i.e.*, that **no** separate illuminating structure was required.² Petitioner also accused Patent

² Petitioner also baselessly accused Patent Owner of taking inconsistent positions about the meaning of “illumination area” in in the pending litigation by pointing to Patent Owner’s infringement contentions. (Paper 23 (Petitioner’s Reply), 2-4.) But there was no inconsistency; Petitioner’s accused products contain physical structures at the top of the body including LEDs with diffusers for actually generating and distributing light,

Owner of “seek[ing] to rely on non-limiting embodiments,” and further argued that the claimed illumination could be provided by some separate illumination structure not recited in the claims or described in the patent. (Paper 23 at 2, 5.) These open-ended and broad positions cannot be reconciled with Petitioner’s assertion in the California Action that “**illumination area**” is a means-plus-function claim term, a position that necessarily limits the term to the structure disclosed in the specification. *E.g., J & M Corp. v. Harley–Davidson, Inc.*, 269 F.3d 1360, 1367 (Fed. Cir. 2001) (“The literal scope of a properly construed means-plus-function limitation . . . is sharply limited to the structure disclosed in the specification and its equivalents.”). Finally, the inconsistencies did not end with the term “**illumination area**,” as Petitioner asked the district court to adopt narrow constructions of five other terms in the ’336 Patent. (EX1022 at 3-5.) Petitioner can offer no explanation for its failure to pursue those constructions here, and it never attempted to show that those constructions were satisfied by the prior art relied upon in this IPR.

IV. CONCLUSION

For the reasons discussed above, Patent Owner respectfully requests that the Director vacate the institution and final written decisions and terminate these IPR proceedings. *Tesla* at 4.

as Petitioner’s own pictures demonstrated. (*Id.* at 3-4.)

Respectfully submitted,

GREENBERG TRAURIG, LLP

Date: March 19, 2026

By: /s/ Kyle Chen
Kyle D. Chen (admitted *pro hac vice*)
Heath J. Briggs (Reg. No. 54,919)
1144 15th St. Suite 3300
Denver, CO 80202
Telephone: 303-685-7418
Facsimile: 720-904-6118
BriggsH@gtlaw.com

Counsel for Patent Owner

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of this Patent Owner's Request for Director Review has been electronically served on Petitioner by emailing the following addresses:

- Case-ThermaltakeIPRMembers@Pillsburylaw.com
- robert.perez@pillsburylaw.com
- christopher.kao@pillsburylaw.com
- david.tsai@pillsburylaw.com
- brock.weber@pillsburylaw.com
- surui.qu@pillsburylaw.com
- jaclyn.schade@pillsburylaw.com

GREENBERG TRAURIG, LLP

Date: March 19, 2026

By: /s/ Kyle D. Chen
Kyle D. Chen (admitted *pro hac vice*)
Heath J. Briggs (Reg. No. 54,919)
1144 15th St. Suite 3300
Denver, CO 80202
Telephone: 303-685-7418
Facsimile: 720-904-6118
BriggsH@gtlaw.com

Counsel for Patent Owner