

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

THERMALTAKE TECHNOLOGY CO., LTD. and
THERMALTAKE INC. (a.k.a. THERMALTAKE USA),

Petitioners,

v.

LIAN LI INDUSTRIAL CO., LTD., and CHEN, CHIEN-HAO,

Patent Owners.

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

**PETITIONERS' AUTHORIZED RESPONSE
TO DIRECTOR REVIEW REQUEST**

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Petitioner submits this response to Patent Owner's Request for Director Review (Paper 51), as authorized by the Director's office on March 20, 2026 (e-mail at Ex. 3100). Patent Owner's Request should be denied as procedurally improper, contrary to Office policy, and because it lacks substantive merit.

I. PATENT OWNER'S REQUEST IS CONTRARY TO PTO GUIDANCE AND POLICY

Patent Owner's request for Director Review challenging an Institution Decision rendered over a year ago (Paper 12, dated 2/19/2025) is not timely and cannot result in any possible saving of Office resources.

For several years, the Office has considered institution decisions through a lens of whether consideration of a petition is "an efficient use of the Board's time and resources." *See Chevron Oronite Co., LLC v. Infineum USA L.P.*, IPR Case No. 2018-00923, Paper 9, at 11 (November 7, 2018) ("On this record, instituting a trial with respect to all twenty claims based on evidence and arguments directed to dependent claims 3 and 4 is not an efficient use of the Board's time and resources."). That consideration has not changed in the intervening years. *See Dabico Airport Solns. Inc. v. AXA Power ApS*, IPR2025-00408, Paper 21 at 3 (June 18, 2025) ("Petitioner does not provide any persuasive reasoning why an *inter partes* review is an appropriate use of Office resources."). In the present case, the Board need not

expend any additional resources, as a Final Written Decision was rendered on February 17 of this year. *See* Paper 50.

Patent Owner attempts to frame their request for review of the Institution Decision from February 2025 as a request for Director Review of the Final Written Decision from February 2026, but Patent Owner does not address any of the issues that are eligible for review with respect to a final decision. Specifically, “[r]equests for Director *Review of a Board’s final decision* under 35 U.S.C. §§ 135, 318, or 328, decisions granting rehearing of such a decision, or any other decision concluding a proceeding brought under 35 U.S.C. §§ 135, 311, or 321, *shall be limited to decisions presenting (a) an abuse of discretion, (b) important issues of law or policy, (c) erroneous findings of material fact, or (d) erroneous conclusions of law.*” *See* Director Review process, 2(B)¹ (emphasis added). None of these factors are discussed in Patent Owner’s Request—let alone substantiated—as warranting review. Instead, the entirety of the Request is directed to the issue of claim construction as it pertains to *the Institution Decision*. *See* Paper 51.

Additionally, the Director has explicitly stated that, “[a]s a general matter, a request for Director Review of a final decision is not an opportunity to raise issues related to the Board’s decision on institution, for example . . . *how the Board*

¹ <https://www.uspto.gov/patents/ptab/decisions/director-review-process>

exercised the Director's institution discretion." See Director Review Process 2(B) (emphasis added). Here, however, Patent Owner's Request *solely* raises issues related to how the Board exercised the Director's institution discretion.

The request for Director Review is the first time that Patent Owner has made any argument relating to an alleged difference in Petitioner's claim constructions. Indeed, Patent Owner did not make any arguments in its Preliminary Response nor in its Response relating to means-plus-function constructions for any claim elements. See Papers 6 and 18.

Patent Owner's Request states that, "[*Reevo* and *Tesla*] were decided after all briefing on this IPR was complete." Paper 50, 1. As an initial matter, those cases are inapposite, as they deal with decisions on institution, not regarding a final written decision, as here. Patent Owner has no support for making its last-ditch Request at this late date.

Furthermore, the Oral Hearing was not held until December 11, 2025, which was after both *Reevo* and *Tesla*, and Patent Owner did not make any argument during that hearing relating to an asserted claim construction discrepancy. Patent Owner also filed a Reply brief in support of its Motion to Amend on November 17, 2025 (Paper 40), after issuance of the two decisions on which Patent Owner relies here, but failed to raise any alleged issues regarding differing claim construction positions.

Thus, Patent Owner could have raised its purported concern earlier in this proceeding but failed to do so. Patent Owner could have raised its argument before the Oral Hearing or during the Oral Hearing. Indeed, in Patent Owner's Reply brief on November 17, 2025, filed after the decisions in *Reevo* and *Tesla*, the question of § 112 support for the claimed "illumination area" is addressed, and no reference is made to Petitioner's proposed District Court construction. Paper 40, 3-4.

Patent Owner did not make this argument, but they could have, and it is therefore waived. Patent Owner's Request does not raise a legitimate concern, and the Final Written Decision finding the challenged claims unpatentable and denying Patent Owner's Revised Contingent Motion to Amend should stand.

After all, the policy goal of Director Review for institution decisions is to avoid wasting PTAB resources. There could be no bigger waste of the Office's resources than to proceed through an entire trial, briefing, depositions, oral hearing, and generating a final written decision only to retroactively undo all of that work.

II. PATENT OWNER'S REQUEST LACKS MERIT

Even if it were proper to revisit an institution decision at this late date, Patent Owner's argument does not show an abuse of discretion by the Board in its decision.

The closest Patent Owner comes is its argument that Petitioner advanced "an exceptionally broad interpretation of a key claim term." *See* Paper 51, 1. This

purportedly “exceptionally broad” interpretation is the plain and ordinary meaning of the term, which is exactly what Patent Owner itself advocated for in the California Action, and which Petitioner clearly set out in its Petition. *See* Paper 51, 3; Ex. 1022, 1-4. It is absurd for Patent Owner to argue that the plain and ordinary construction that itself contended is correct is “exceptionally broad.”

As set out in Patent Owner’s Request for Director’s Review, the Board adopted a construction that “illumination area” means “an area that is illuminated.” *See* Paper 51, 6; Paper 50, 18. This plain and ordinary construction is consistent with the testimony in District Court of Patent Owner’s own expert, Dr. Tuckerman. Ex.1028, ¶¶36-37 (“[T]he words are not technical in nature - their plain and ordinary meaning is simply a region on the top of the body that is lit up.”). That is, Dr. Tuckerman agrees with the Board’s construction. “An area that is illuminated” and “a region . . . that is lit up” are simply different ways of stating the same thing—“area” is the same as “region” and “illuminated” is the same as “lit up.”

Additionally, Patent Owner explicitly adopted Petitioner’s proposed plain-and-ordinary construction of the claim terms in its Preliminary Response: “Petitioner contends that the plain and ordinary meaning should apply to all claim terms. (Petition at 7.) For purposes of this POPR, Patent Owner applies the plain and ordinary meaning to the terms in the ’336 Patent. 37 C.F.R. §41.100(b). Patent

Owner reserves the right to provide any express constructions, should a trial be instituted.” *See* Paper 18, 19. Trial was instituted, and the Patent Owner never argued that the term should be construed in a manner different from its plain and ordinary meaning.

III. CONCLUSION

Both parties relied on plain and ordinary meaning of the phrase “illumination area” throughout the one and a half years of briefing and argument in this matter. The Board likewise adopted a plain and ordinary meaning of that phrase in applying the prior art to the claims, both in finding a likelihood of success on the merits when making its Institution Decision and in setting out its Final Written Decision. *See* Paper 50, 18.

That construction is not “exceptionally broad,” especially as it tracks what Patent Owner’s own expert opined in District Court, and Patent Owner could have but did not raise its spurious concern about different claim constructions before its Request for Director’s Review. Using that argument as a basis for improperly reviewing an institution decision rendered more than a year and 40 papers ago (including 11 papers generated by the Board) would not serve the purpose of avoiding waste of Board resources or serve the interests of justice.

Dated: March 27, 2026

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

The undersigned certifies that this brief complies with the type volume limitations of 37 CFR § 42.24(a)(1)(i). This brief contains 6 pages (excluding the table of contents, the table of authorities, certificate of compliance, certificate of service).

The undersigned further certifies that this brief complies with the typeface requirements of 37 CFR § 42.6(a)(2)(ii) and typestyle requirements of 37 CFR § 42.6(a)(2)(iii). This brief has been prepared in a proportionally spaced typeface using Microsoft Word in Times New Roman 14-point font.

Dated: March 27, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 27, 2026, a true and correct copy of the foregoing **AUTHORIZED RESPONSE TO DIRECTOR REVIEW REQUEST** is being served via electronic mail as agreed by the parties on the following attorneys of record:

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