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Paper 27
Date: May 12, 2026

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE OFFICE OF THE UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

FORD MOTOR COMPANY,
Petitioner,

v.

AUTOCONNECT HOLDINGS LLC,
Patent Owner.

IPR2025-01342 (Patent 9,020,697 B2)
IPR2025-01383 (Patent 9,290,153 B2)
IPR2025-01524 (Patent 9,123,186 B2)[1]

Before JOHN A. SQUIRES, *Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office*.

ORDER
Granting Director Review, Vacating the Notices Granting Institution, and Denying Institution of *Inter Partes* Review

[1] This Order applies to each of the above-listed proceedings.

AutoConnect Holdings, LLC ("Patent Owner") filed requests for Director Review of the Notices granting institution in each of the above-captioned *inter partes* reviews ("IPRs"), and Ford Motor Company ("Petitioner") filed authorized responses to each request. *See* Papers 13, 14.[2] In IPR2025-01342 and IPR2025-01383, the parties were authorized to file additional briefing regarding Petitioner's different claim construction positions in the district court and before the Office (*see* Papers 15, 16) whereas, in IPR2025-01524, the parties addressed the different claim construction positions in their principal Director Review briefs. *See* IPR2025-01524, Papers 12, 13.

Patent Owner argues that Petitioner advances a "plain and ordinary meaning" for claim terms in the Petitions, but recently served invalidity contentions in the related district court proceedings that argued all the challenged claims are indefinite. Paper 15, 1–2; Ex. 3103 (referencing contentions served on February 6, 2026). Patent Owner contends that Petitioner's inconsistent positions are unexplained and contrary to *Revvo* and *Tesla*. Paper 15, 1–2 (citing *Revvo Techs., Inc. v. Cerebrum Sensor Techs., Inc.*, IPR2025-00632, Paper 20 (Director Nov. 3, 2025) (precedential) (*Revvo*); *Tesla, Inc., v. Intellectual Ventures II LLC*, IPR2025-00340, Paper 18 at 4 (Director Nov. 5, 2025) (informative) (*Tesla*)).

Petitioner responds that although it has argued certain claim terms are indefinite in the district court (the claim terms "and/or" and "one or more") regardless of any claim boundary uncertainty, its Petitions demonstrate that a

[2] Unless otherwise indicated, citations are to the record in IPR2025-01342. The parties filed similar papers in IPR2025-01383 and IPR2025-01524.

person of ordinary skill in the art "would have understood that the asserted prior art satisfies the challenged limitations." Paper 16, 2. Thus, Petitioner argues that its approach "fits squarely within the framework articulated in *Tesla*." *Id.*

As I recently explained, it is appropriate to deny institution when a Petitioner's conduct demonstrates that the dispute "is less about a litigation alternative and more about inconsistent positions to gain an upper hand in the overall litigation." *Terumo BCT Inc. v. Haemonetics Corp.*, IPR2025-01374, Paper 20 (Director May 12, 2026). Here, as in *Terumo*, Petitioner advanced indefiniteness contentions in the co-pending district court litigation at its first opportunity to do so after institution was granted. *See* Paper 15, 1–2 (listing seven allegedly indefinite terms and phrases impacting all challenged claims). Although Petitioner contends that its unpatentability arguments for the "and/or" and "one or more" claim limitations fit within the *Tesla* framework, i.e., that the prior art discloses the claimed features regardless of how those limitations are construed, Petitioner's indefiniteness contentions are broader than those two limitations. *See, e.g.*, Paper 15, 1–2; IPR2025-01383, Paper 9 at 8–10. Thus, it is appropriate to deny institution of these IPRs for the same reasons as articulated in *Terumo*.

In its briefing, Petitioner states that it will stipulate to withdraw all indefiniteness arguments against the challenged patents from the related litigation if the Board agrees to maintain and not vacate institution of these IPRs. Paper 16, 2. This stipulation, which Petitioner offered only *after* Petitioner's actions ran afoul of *Revvo* and *Tesla* and only *after* Patent Owner brought those actions to the Office's attention, is insufficient.

Accordingly, the appropriate course of action is to grant Director Review, vacate the Notices granting institution, and deny institution.[3]

It is:

ORDERED that Director Review is granted;

FURTHER ORDERED that the Notices granting institution of *inter partes* review (Paper 11; IPR2025-01383, Paper 12; IPR2025-01524, Paper 10) are vacated; and

FURTHER ORDERED that the Petitions are denied, and no trials are instituted.

[3] Had Petitioner presented these different claim constructions before institution, these IPRs would not have been instituted.

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