

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

REVVO TECHNOLOGIES, INC.,
Petitioner,

v.

TIRE STICKERS LLC,
Patent Owner.

IPR2025-00631
Patent 11,124,027 B2

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 Decision Granting Institution, and
Denying Institution of *Inter Partes* Review

Tire Stickers LLC (“Patent Owner”) filed a request for Director Review of the Decision granting institution (“Decision,” Paper 13), and Revvo Technologies, Inc. (“Petitioner”) filed an authorized response.¹ *See* Paper 20 (“DR Request”); Paper 24 (“DR Response”). Patent Owner argues that the Decision should be vacated and institution denied because Petitioner has argued inconsistent claim construction positions before the Board and the district court and has not adequately explained why its positions are different. *See generally* DR Request.² Patent Owner points out that the Petition adopted Patent Owner’s claim constructions from the parallel district court litigation, yet Petitioner argued in favor of different constructions in district court and further argued that some claim terms are indefinite. DR Request 6–7 (citing Ex. 1024 (Joint Claim Construction Chart from related court proceedings)).

“[W]hen a petitioner takes alternative [claim construction] positions before the Board and a district court, that petitioner should, at a minimum,

¹ Patent Owner was granted a good cause extension of time to file a Director Review Request in view of the then-recent precedential decision in *Revvo Technologies, Inc. v. Cerebrum Sensor Technologies, Inc.* IPR2025-00632, Paper 20 (Director Nov. 3, 2025) (*Revvo*) and informative decision in *Tesla, Inc. v. Intellectual Ventures II LLC*, IPR2025-00340, Paper 18 (Director Nov. 5, 2025). *See* Ex. 3100.

² Although the Decision noted Patent Owner’s argument that Petitioner had failed to explain why it was advancing different claim constructions before the Board and the district court, the Decision did not substantively address that argument. Decision 9–10; *see also* Paper 9 (Patent Owner’s Preliminary Response), 19–20 (arguing the Petition should be denied under 37 C.F.R. § 42.104(b)(3) and noting that “Revvo fails to explain why its position [on claim construction] is different in the two proceedings”).

explain why alternative positions are warranted.” *Revvo*, Paper 20 at 3–4 (citations omitted).

After considering the parties’ filings, I conclude that Petitioner fails to adequately explain why it is proposing alternative claim constructions before the Board and the district court. The Petition offers no explanation, stating only that “Petitioner adopts PO’s proposed constructions from the underlying district court litigation” for all but one cited term. *See* Paper 2, 8–9. Now, in its response to Patent Owner’s Director Review request, Petitioner argues that it was justified in adopting Patent Owner’s “broad proposed constructions in this proceeding while maintaining [Petitioner’s] narrowed proposed construction in district court” because the court has not yet construed the claims and “Petitioner could not simply wait for the district court’s claim construction before timely filing the Petition.” DR Response 7. I recently rejected the same “wait and see” explanation as a disfavored approach. *Revvo Techs., Inc. v. Cerebrum Sensor Techs., Inc.*, IPR2025-00632, Paper 36 at 4 (Director Jan. 26, 2026). As such, the appropriate course of action is to grant Director Review, vacate the Decision, and deny institution.

Accordingly, based on the foregoing, it is

ORDERED that Director Review of the Board’s Decision granting institution of *inter partes* review (Paper 13) is granted;

FURTHER ORDERED that the Decision granting institution of *inter partes* review is vacated; and

FURTHER ORDERED that the Petition is denied, and no trial is instituted.

IPR2025-00631
Patent 11,124,027 B2

FOR PETITIONER:

Orion Armon
Jennifer Volk-Fortier
Dustin M. Knight
COOLEY LLP
oarmon@cooley.com
jvolkfortier@cooley.com
dknight@cooley.com

FOR PATENT OWNER:

Christopher D. Bright
Andrew S. Flior
Christopher M. Franich
Lauren C. Tittle
SNELL & WILLMER LLP
cbright@swlaw.com
aflior@swlaw.com
cfranich@swlaw.com
ltittle@swlaw.com