

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

TESLA, INC.,
Petitioner,

v.

INTELLECTUAL VENTURES II LLC,
Patent Owner.

IPR2025-00340 (Patent 6,894,639 B1)
IPR2025-00342 (Patent 7,336,805 B2)
IPR2025-00343 (Patent 10,292,138 B2)

Before COKE MORGAN STEWART, *Acting Under Secretary of
Commerce for Intellectual Property and Acting Director of the United States
Patent and Trademark Office.*

DECISION
Referring the Petitions to the Board

IPR2025-00340 (Patent 6,894,639 B1)
IPR2025-00342 (Patent 7,336,805 B2)
IPR2025-00343 (Patent 10,292,138 B2)

Intellectual Ventures II LLC (“Patent Owner”) filed a request for discretionary denial (Paper 6, “DD Req.”) in the above-captioned cases, and Tesla, Inc. (“Petitioner”) filed an opposition (Paper 9, “DD Opp.”).¹

After considering the parties’ arguments and the record, and in view of all relevant considerations, discretionary denial of institution is not appropriate in these proceedings. This determination is based on the totality of the evidence and arguments the parties have presented.

IPR2025-00340, IPR2025-00342, and IPR2025-00343 present the same discretionary considerations as those discussed in *Tesla, Inc. v. Intellectual Ventures II LLC*, IPR025-00217, Paper 9 (Director June 13, 2025) (denying Patent Owner’s request for discretionary denial). Accordingly, that analysis is incorporated here. *See* IPR2025-00217, Paper 9 at 2–3. Therefore, the discretionary considerations do not favor discretionary denial for the same reasons set forth in IPR2025-00217. *See* IPR2025-00217, Paper 9 at 2–3.

Although certain arguments are highlighted above, the determination not to exercise discretion to deny institution is based on a holistic assessment of all of the evidence and arguments presented. Accordingly, the Petitions are referred to the Board to handle the cases in the normal course, including by issuing a decision on institution addressing the merits and other non-discretionary considerations, as appropriate.

In consideration of the foregoing, it is:

¹ Citations are to papers in IPR2025-00340. The parties filed similar papers in the other cases.

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ORDERED that Patent Owner's request for discretionary denial is
denied;

FURTHER ORDERED that the Petitions are referred to the Board;
and

FURTHER ORDERED that neither party shall file a request for
rehearing or Director Review of this decision until the Board issues a
decision on institution.

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