

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

REVVO TECHNOLOGIES, INC.

Petitioner,

v.

TIRE STICKERS LLC

Patent Owner.

IPR2025-00631

Patent 11,124,027

**PATENT OWNER'S REQUEST FOR DIRECTOR REVIEW TO VACATE
INSTITUTION AND TERMINATE INTER PARTES REVIEW**

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I. INTRODUCTION

Patent Owner Tire Stickers LLC (“Patent Owner” or “Tire Stickers”) respectfully requests Director Review of the Decision on Institution in this *inter partes* review regarding the challenged claims of U.S. Patent No. 11,124,027 B2 (“the ’027 Patent”). The Director’s recent decisions warrant Director Review.

The Petition violated the Director’s policy directive regarding the requirement that a petitioner explain any inconsistent claim construction positions to the Board, including indefiniteness. *See Tesla, Inc., v. Intellectual Ventures II LLC*, IPR2025-00340, Paper 18 (Director Nov. 5, 2025) (informative) (“*Tesla*”) (explaining the Office’s approach to addressing a petitioner’s different claim construction positions in two forums, including indefiniteness); *see also Revvo Techs., Inc. v. Cerebrum Sensor Techs., Inc.*, IPR2025-00632, Paper 20 at 3–5 (Director Nov. 3, 2025) (precedential) (“*Revvo Techs.*”) (generally same). In *Tesla*, the Director granted Director Review and vacated the Decision to institute because the petitioner argued inconsistent claim constructions before the Board and the District Court, including petitioner’s argument that the certain claim limitations were indefinite. *Id.* Here, Petitioner did the same thing. Petitioner urged the Board to interpret *all* claim terms according to Patent Owner’s claim constructions (with one exception, the “cavity” term). In direct contradiction, Petitioner proposed in a respective district court

proceeding that certain limitations of *all challenged claims* in the '027 Patent are indefinite because a person of ordinary skill in the art *could not discern* their meaning. These inconsistencies justify Director Review, vacatur of the institution Decision, and termination of *inter partes* review.

Underlying the Director's policy directive regarding the requirement that a petitioner explain any inconsistent claim construction positions to the Board, including indefiniteness, were concerns of inconsistent outcomes on claim construction in district court proceedings and IPRs. This is the situation here, where the District Court denied Petitioner's motion to stay the district court litigation and is proceeding through claim construction briefing in December 2025 through February 2026 to a claim construction hearing in March/April 2026.

Allowing Petitioner to pick and choose what claim constructions best suit their purposes at a given forum is highly prejudicial to Patent Owner and disrupts the overall goal of PTAB proceedings to improve patent quality and reduce the cost and inefficiency of patent litigation. Petitioner's strategy leads to the added expense of litigating different arguments in different forums and fails to improve patent quality as the PTAB is asked to ignore the parties' actual claim construction disputes.

Patent Owner submits that there is good cause to extend the deadline specified in Rule 42.75(c)(1) due to the Director's recent *Tesla* and *Revvo* decisions identified

above. Patent Owner respectfully requests that the Director consider this Request timely filed under 37 C.F.R. § 42.75(c)(1).

II. STATEMENT OF FACTS

A. Patent Owner and the Challenged Patent

Patent Owner Tire Stickers is a family-owned company headquartered in Los Angeles, California. Founded in 2007, Tire Stickers has grown into a global brand known for its focus on durable, after-market sidewall lettering and other assemblies for tires. Tire Stickers has built a business providing a durable, cost-effective, and easy to install method for identification, tracking, data collection, branding, personalization, or otherwise marking of vehicle tires in the commercial, passenger, on and off-road vehicle markets. An example demonstrating the demand for custom tires can be found by Pirelli's response with Color Edition tires (Pirelli Color Edition (<https://www.pirelli.com/global/en-ww/road/cars/tyres/tyres-in-every-colour-50681/>)). Tire Stickers has become the industry's primary (and widely the only available) choice for solutions to this need. This is evident from Tire Stickers' longstanding relationship with nearly every tire company (including but not limited to Goodyear / Cooper / Mickey Thompson / Avon, Michelin / BFGoodrich, Sumitomo / Falken / Dunlop, Toyo / Nitto, Continental, Pirelli, Landsail / Delinte, CEAT, MRF) for use in branding, tire tracking, RFID, digital tire passports, and for custom tires and replacement of OE (original equipment) white-letter tire

manufacturing. Tire Stickers is actively working with multiple tire manufacturers to offer custom tires through incorporation of its products related to the '027 Patent and to replace traditional white-letter manufacturing for over 4,000,000 tires. Tire Stickers' products related to the '027 Patent are further used by vehicle manufacturers (including but not limited to FCA USA, General Motors, and Ford Motor Company) and licenses have been issued to Tire Stickers for offering trademarked products to the aftermarket. *See generally* EX2025.

The '027 patent discloses innovative display assemblies configured for attachment with a vulcanized rubber article (*e.g.*, a tire) and provided in the form of different material layers, including an outer layer with a display and an adhesive layer for bonding with the vulcanized rubber article. EX1001 at Abstract, 1:62-2:2, 2:10-12, 2:25-32, 4:56-59, Fig. 1. The '027 Patent explains that a problem in the art is that “decals known in the art adapted for such uses are constructed in a manner that is either intended for temporary rather than permanent service, and/or that is adapted for application at a point of manufacture of the vulcanized articles.” EX1001 at 1:27-31. Further, the patent explains that the “display assemblies as disclosed herein are constructed in a manner that facilitates use of the same once applied for a long duration, *e.g.*, the life of the vulcanized article, without sacrificing the integrity *and/or* aesthetic appearance of the display assembly.” *Id.* at 2:39-45 (emphasis added). To achieve such “integrity and/or aesthetic appearance,” the '027

patent discloses a “barrier layer 24 is formed from a material capable of providing properties of *shock absorbance, elastomeric expansion and/or contraction properties compatible with the vulcanized rubber article that the display assembly is to be attached therewith*, and a desired degree of conformity between the adjacent surfaces of the display layer and the outer surface of a vulcanized rubber article (so as to maximize the surface contact area between the display assembl[y] and vulcanized rubber article).” *Id.* at 6:19-28 (emphasis added).

B. The Petition

After Patent Owner Tire Stickers filed suit for patent infringement on February 23, 2024, Petitioner filed the petition in this matter nearly a full year later on February 21, 2025. In its Petition, Petitioner challenged claims 1 1-3, 5, 7-9, 11-13, 15-22 of the '027 Patent. On June 17, 2025, Tire Stickers filed its Patent Owner Preliminary Response, including based on Petitioner's inconsistent claim constructions. Paper 9 at 1 (“As a foundational failure by Revvo, the Petition fails to explain why Revvo is pursuing IPR institution based on claim constructions that Revvo has contended are wrong in co-pending federal district court litigation. Thus, the Petition is deficient under 37 C.F.R. § 42.104(b)(3).”). On August 25, 2025, the Board instituted this IPR. Paper 13. Patent Owner timely filed its response to the petition on November 18, 2025, including its challenge to the petition as failing to

explain Petitioner's inconsistent claim construction positions in this proceeding and District Court litigation. Paper 19 at 9-13.

On Nov. 3 and 5, the Director released new guidance in *Revvo* and *Tesla* relating to the impropriety of presenting conflicting claim construction in a Petition and in District Court without explanation. Those recent decisions merit Director review at this juncture in this proceeding.

C. Petitioner's Inconsistent Claim Construction Positions Before the Board and the District Court, Including Indefiniteness

In its Petition, Petitioner argued that “[f]or purposes of this Petition only, with the single exception described below [the ‘cavity’ term], Petitioner adopts PO’s proposed constructions from the underlying district court litigation for purposes of this proceeding.” Paper 2 at 8-9. Petitioner also stated “Petitioner’s proposed grounds and analysis of how the prior art teaches or renders obvious the limitations of the claims would be unchanged even if the Board decides not to adopt Patent Owner’s constructions because they are consistent with plain and ordinary meaning of the Challenged Claims.” *Id.* at 9. But nowhere does the Petition ever explain this; indeed, nowhere the Petition ever use the phrase “plain and ordinary” again.

The Board relied on Petitioner’s submission on claim construction. In its Decision instituting this IPR, the Board did not construe the disputed claims terms. Paper 13 at 10 (“Patent Owner responds that ‘the Petition fails to explain why

[Petitioner] is pursuing IPR institution based on claim constructions that [Petitioner] has contended are wrong in co-pending federal district court litigation.' Patent Owner, however, does not dispute the constructions. Having considered the record, we determine that no express claim construction is necessary for any claim terms.'").

In the meantime, in the District Court litigation, Petitioner made the *opposite* argument to the district court. On January 22, 2025, filed its positions with the District Court that all of the challenged claims are allegedly indefinite by including the term "(an) outer layer," among other limitations. Ex. 1024 at 6; *see also id.* at 21 (terms in the '027 Patent labeled RR11 and RR12 are also allegedly indefinite).

The Petitioner did not inform the Board that it would argue indefiniteness in District Court, nor did it even attempt to explain how its diametrically opposed invalidity arguments to the Board and the District Court could be reconciled or justified.

D. The District Court Litigation

Relying on its inconsistent claim constructions before the District Court and the Board, and the Board's institution of this IPR based on those inconsistent claim constructions, Petitioner filed a motion to stay the District Court litigation which included the same '027 Patent at issue in this IPR. But the District Court denied Petitioner's motion to stay. EX2043. Following that denial, the parties filed an agreed proposed schedule with claim construction briefing in December 2025

through February 2026 leading up to a claim construction hearing in March/April 2026. EX2037 at 14.

III. ARGUMENT

Director Review of the institution decision in this proceeding is justified. The inconsistent claim construction positions – including indefiniteness in district court litigation – presented by Petitioner independently justify Director Review, vacatur of the institution Decision, and termination of the *inter partes* review. *See Tesla*, Paper 18 (PTAB Nov. 5, 2025) (“*Tesla*”) (informative) (explaining the Office’s approach to addressing a petitioner’s different claim construction positions in two forums, including indefiniteness); *Revvo Techs.*, Paper 20 at 3–5 (Director Nov. 3, 2025) (precedential) (generally same).

In his recent *Revvo Technologies* decision, the Director noted that, “although the Board’s rules ‘do not necessarily prohibit petitioners from taking inconsistent claim construction positions before the Board and a district court,’ 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.” *Revvo Techs.*, IPR2025-00632, Paper 20 at 3-4 (quoting *Cambridge Mobile Telematics, Inc. v. Sfara, Inc.*, IPR2024-00952, Paper 12 at 8-9 (PTAB Dec. 13, 2024)). Building on this precedential requirement in *Revvo Technologies*, the Director in *Tesla* vacated institution and terminated the IPR proceeding because the petitioner had

failed to notify and explain to the Board that it was arguing indefiniteness to the district court. *Tesla*, Paper 18 at 3-4. The Director explicitly rejected the petitioner's statement that "it cannot raise indefiniteness challenges in an *inter partes* review" as an insufficient explanation. *Id.* at 3. Rather, the Director noted that this statement amounts to an improper assertion that a petitioner "should be permitted to raise inconsistent invalidity challenges in the two forums." *Id.*

Here, the Petitioner has taken exactly the same improper approach that the Director recently prohibited in *Revvo Technologies* and *Tesla*. As explained above in Section II.C, Petitioner urged the Board to adopt the Patent Owner's claim constructions for all claim terms (except the "cavity" term) while proposing to the District Court that the "(an) outer layer" limitations in all challenged claims of the '027 Patent is indefinite and therefore *has no plain and ordinary meaning*. These are exactly the same circumstances that led the Director in *Tesla* to vacate institution and terminate the *inter partes* review. *Tesla*, IPR2025-00632, Paper 18 at 3-4. Patent Owner respectfully submits that the Director should reach the same conclusion here.

The concerns about Petitioner's inconsistent claim constructions, including indefiniteness, are even more pronounced, where as here, the District Court litigation is proceeding with claim construction briefing in December 2025 through February 2026, followed by a claim construction hearing in March/April 2026. EX2037 at 14. The Director has instructed 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.” *Revvo Techs.*, IPR2025-00632, Paper 20 at 4. In view of Petitioner's inconsistent claim constructions in this IPR and the District Court litigation proceeding contemporaneously, including Petitioner's indefiniteness argument in District Court, this IPR proceeding should be terminated. *See Tesla*, IPR2025-00632, Paper 18 at 3-4; *accord Revvo Techs.*, IPR2025-00632, Paper 20 at 4.

IV. CONCLUSION

Petitioner chose not to explain to the Board why they made inconsistent claim construction and invalidity arguments before the Board and the District Court, including regarding indefiniteness. In light of the Director's recent *Revvo Technologies* and *Tesla* decisions, Patent Owner respectfully submits that these deficiencies in the Petition independently merit vacating the Decision to institute and terminating this *inter partes* review proceeding.

V. WAIVER OF RULES

To the extent this request for Director Review is untimely, waiver of the rules is merited under 37 C.F.R. § 42.75 for good cause shown. 37 C.F.R. § 42.75(c)(1) (“The request must be filed within the time period set forth in § 42.71(d) unless an extension is granted by the Director upon a showing of good cause.”). The Director's recently announced guidance in the *Revvo Technologies* and *Tesla*

decisions apply directly to the facts of this case, which was decided prior to the release of those decisions and guidance. Patent Owner acted timely in making this motion for director review within 14 days of the *Tesla* decision. Further, Patent Owner submits there is no undue prejudice overcoming this showing of good cause as the Patent Owner response was submitted just yesterday.

Respectfully submitted,

Dated: November 19, 2025

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