

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 NOTICE OF PETITIONER'S CLAIM
CONSTRUCTION BRIEF IN DISTRICT COURT LITIGATION**

Patent Owner Tire Stickers LLC (“Patent Owner” or “Tire Stickers”) respectfully files this notice of Petitioner's recently filed claim construction brief in district court litigation. EX2046.

In its claim construction brief, regarding the alleged indefiniteness of the “outer layer” term found in all challenged claims in this IPR, Petitioner argues:

The Court should hold that “outer layer” is indefinite as a matter of law. See Liberty Ammunition, Inc. v. United States, 835 F.3d 1388, 1397-98 (Fed. Cir. 2016) (explaining that a claim term is indefinite if there is not a “sufficient objective boundary around the term” to inform its meaning to a POSA). Plaintiffs’ construction—“at least one layer that is outermost”—provides no objective boundaries because it includes an indeterminate number of layers that are not the outermost layer. And the claims themselves create confusion as to what constitutes an “outer layer” because they describe the “outer layer” as potentially comprising multiple layers, or as comprising a single layer that is not the outermost layer. Given these inconsistencies, a POSA would have no reasonable way of determining the scope of the term “outer layer.”

The term “outer layer”—as opposed to “outermost layer” or “outer surface”—is not used in the specification. Instead, the term was added in a preliminary amendment, primarily to replace the phrase “one or more display layers.” ’027 patent File Hist.: Preliminary Amend. (Feb. 19, 2019), 2. For example, the original claim 1 referred to a “display assembly” with “one or more display layers,” while the amended claim 1 recited “an assembly” with an “outer layer.” *Id.*

The modification of “one or more display layers” to a single “outer layer” created multiple inconsistencies in the dependent claims. For example, original claim 2 referred to “the display assembly as recited in claim 1 comprising a first display layer and a second display layer disposed beneath the first layer.” *Id.* This makes sense, because an “assembly” can be composed of multiple layers. The amended (and issued) claim 2, however, recites that “the outer layer comprises a first

layer and a second layer disposed beneath the first layer.” *Id.*; *see also* ’027 patent at cl. 2. This does not make sense, because this would mean that “the outer layer”: (1) contains multiple layers; and (2) contains at least one layer that is not the “outermost” layer. As another example, original claim 6 referred to “the display assembly as recited in claim 1 further comprising a protective layer disposed over the one or more display layers and forming an outermost surface of the display assembly.” ’027 patent File Hist.: Preliminary Amend. (Feb. 19, 2019), 3. Again, this makes sense, as “protective layer” and “display layer” have meanings that are discernible to an ordinary artisan, and in this case the “protective layer” would be the outermost layer. However, claim 6 was amended to recite “the assembly as recited in claim 1 further comprising a protective layer disposed over the outer layer and forming an outermost surface of the assembly.” *Id.*; *see also* ’027 patent at cl. 2. Thus, in this example, the outer layer would not even include the “outermost” layer of the assembly, because the “protective layer” is that outermost layer.

These inconsistencies make the claims nonsensical and therefore render the term “outer layer” indefinite. *See Synchronoss Techs., Inc. v. Dropbox, Inc.*, 987 F.3d 1358, 1366-67 (Fed. Cir. 2021) (explaining that because the claims “are nonsensical and require an impossibility— that the digital media file contain a directory of digital media files” they “are indefinite as a matter of law”); *Trustees of Columbia Univ. v. Symantec Corp.*, 811 F.3d 1359, 1367 (Fed. Cir. 2016) (“The claims are nonsensical in the way a claim to extracting orange juice from apples would be, and are thus indefinite.”). ***As Mr. Donley explains***, if an outer layer can have multiple layers, and does not even need to include the “outermost” layer, then ***a POSA has no reasonable way to discern what constitutes the “outer layer” of the assembly.*** Donley Decl. ¶¶ 73-80. In a five-layer assembly, can the top four layers be the “outer layer”? The middle three?

Plaintiffs’ construction of “at least one layer that is outermost” does not resolve these issues, because it is both incorrect and virtually unlimited in scope. It is incorrect because, as described above, claim 6 makes clear that the “outer layer” need not include the “outermost” layer. And it is virtually unlimited in scope because it includes any number of layers beneath the outermost layer, giving the term no

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objective boundaries. *The Court should therefore hold that the term “outer layer” is indefinite.*

EX2046 at 9-12 (emphasis added). The District Court is proceeding to a claim construction hearing on April 16, 2026. EX2047 at 14.

Respectfully submitted,

Dated: January 25, 2026

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4901-7702-7210

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that on January 25, 2026 I caused to be served on the counsel for Petitioner a true and correct copy of the foregoing by electronic means on Counsel for Petitioner at the following addresses of record:

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