

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.

GRANITE VEHICLE VENTURES LLC,
Patent Owner.

IPR2025-00943 (11,597,402 B2)
IPR2025-00944 (11,738,765 B2)

Before COKE MORGAN STEWART,¹ *Deputy Under Secretary of
Commerce for Intellectual Property and Deputy Director of the United
States Patent and Trademark Office.*

DECISION
Denying Institution of *Inter Partes* Review

¹ The Director has delegated his discretionary authority to the Deputy Director for this decision. See <https://www.uspto.gov/sites/default/files/documents/dsco-delegation.pdf>.

Granite Vehicles Ventures LLC (“Patent Owner”) filed a request for discretionary denial (Papers 11 (sealed), 12 (redacted), “DD Req.”) in the above-captioned cases, and Tesla, Inc. (“Petitioner”) filed an opposition (Paper 14, “DD Opp.”).² With authorization, Patent Owner filed a Reply (Paper 15), and Petitioner filed a Sur-reply (Paper 16).

After considering the parties’ arguments and the record, and in view of all relevant considerations, discretionary denial of institution is appropriate in these proceedings. This determination is based on the totality of the evidence and arguments the parties have presented.

In particular, the projected final written decision due date in the Board proceedings is in December 2026. DD Req. 8. The district court’s scheduled trial date is August 3, 2026, and time-to-trial statistics suggest trial would begin in October or November 2026. *Id.* at 6, 16; DD Opp. 15; Reply 3. Additionally, there is insufficient evidence that the district court is likely to stay its proceeding even if the Board were to institute trial. Therefore, it is unlikely that a final written decision in this proceeding will issue before the district court trial occurs, resulting in significant duplication of effort, additional expense for the parties, and a risk of inconsistent decisions. Even though the challenged patents have not been in force for a significant period of time (issued in 2023), this fact alone does not tip the balance against discretionary denial.

Although certain arguments are highlighted above, the determination to exercise discretion to deny institution is based on a holistic assessment of

² Citations are to papers in IPR2025-00943. The parties filed similar papers in IPR2025-00944.

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all of the evidence and arguments presented. Accordingly, the Petitions are denied under 35 U.S.C. § 314(a).

In consideration of the foregoing, it is:

ORDERED that Patent Owner's requests for discretionary denial are *granted*; and

FURTHER ORDERED that the Petitions are *denied*, and no trial is instituted.

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