

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

FORD MOTOR COMPANY,
Petitioner,

v.

AUTOCONNECT HOLDINGS LLC,
Patent Owner.

IPR2026-00171 (Patent 9,082,239 B2)
IPR2026-00172 (Patent 9,147,297 B2)
IPR2026-00173 (Patent 9,173,100 B2)

Before JOHN A. SQUIRES, *Under Secretary of Commerce for Intellectual
Property and Director of the United States Patent and Trademark Office.*

DECISION
Denying Institution of *Inter Partes* Review

IPR2026-00171 (Patent 9,082,239 B2)

IPR2026-00172 (Patent 9,147,297 B2)

IPR2026-00173 (Patent 9,173,100 B2)

AutoConnect Holdings LLC (“Patent Owner”) filed a request for discretionary denial (Paper 6, “DD Req.”) in each of the above-captioned cases, and Ford Motor Company (“Petitioner”) filed an opposition (Paper 7, “DD Opp.”).¹ On April 1, 2026, after considering the parties’ arguments and the record, and in view of all relevant considerations, I issued a Notice indicating that the Petitions are denied in the above-captioned cases.

Paper 8.

Patent Owner argues that Petitioner proposes claim construction positions in the district court that are inconsistent with those presented in the Petition and fails to sufficiently explain why the different positions are warranted. DD Req. 14–15 (citing *Revvo Techs., Inc. v. Cerebrum Sensor Techs., Inc.*, IPR2025-00632, Paper 20 (Director Nov. 3, 2025) (precedential) (“*Revvo*”). Specifically, Patent Owner argues that Petitioner “maintains that every independent claim contains seven terms that are indefinite.” *Id.* at 14 (citing Ex. 2026, 1–3) (emphasis omitted).

In the Petition, Petitioner applies the plain and ordinary meaning of the challenged claims, except for the term “and/or,” recited in independent claims 1, 8, and 15. Pet. 8–9. Petitioner explains that it challenges “the above listed claims as indefinite in district court because the ’239 Patent defines ‘and/or’ as both disjunctive and conjunctive, which is an impossibility.” *Id.* at 8 (emphasis omitted). In the Petition, Petitioner adopts Patent Owner’s “disjunctive construction,” but further explains “how the prior art discloses more than one feature for certain claims.” DD Opp. 17;

¹ Citations are to papers in IPR2026-00171. The parties filed similar papers in IPR2026-00172 and IPR2026-00173.

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see Pet. 8–9; *see also* DD Opp. 15–18. Accordingly, Petitioner provides an explanation for its conflicting claim constructions of “and/or.” DD Opp. 15–18.

But Petitioner does not address the other terms that it argues are indefinite in the district court. *See* Ex. 2026, 1–3. Instead, Petitioner “stipulates to withdraw all indefiniteness arguments . . . from the Related Litigation if the PTAB institutes this IPR.” DD Opp. 18. As I previously explained in similar circumstances, Petitioner’s stipulation to continue to pursue different constructions and abandon the inconsistent construction in district court only if the IPR is instituted is inadequate. *See Tiktok, Inc. v. Shopsee, Inc.*, IPR2025-01485, Paper 13, 2–3 (Director Jan. 16, 2025). Petitioner’s claim construction stipulation does not increase efficiency and minimize the potential for inconsistent outcomes, unlike a stipulation that it will not pursue in the parallel litigation the grounds it raised or could have reasonably raised in the Petition. *See id.* at 3. At best, it replaces one argument in district court for another argument at the Board. *Id.* Accordingly, the Petitions are denied under 35 U.S.C. § 314(a).

While certain arguments are highlighted above, the determination to exercise discretion to deny institution is based on the complete record and a holistic assessment of all of the evidence in light of the arguments presented.

In consideration of the foregoing, it is:

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

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