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Patent Trial and Appeal Board



PTAB designates as informative a decision addressing the sufficiency of a petitioner's explanation for different claim construction positions in district court and at PTAB

[Tesla, Inc. v. Intellectual Ventures II LLC, IPR2025-00340, Paper 18 \(Squires Nov. 5, 2025\) \(informative\)](#)

In this decision, the Director vacated a Board decision and denied institution where the petitioner argued the claims were indefinite in district court but adopted patent owner's plain and ordinary meaning construction before the Board. The decision determines that Petitioner's explanation that it could not argue indefiniteness in an inter partes review was insufficient to show why different positions were warranted. Instead, the explanation amounted to an assertion that a petition should be permitted to raise inconsistent invalidity challenges between the two forums, which detracts from the Office's goal of providing predictability and certainty in the patent system.

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