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USPTO designates as informative three decisions applying the Office's Revvo and Tesla claim construction precedent

May 13, 2026

In the *Ford Motor Co. v. AutoConnect Holdings, LLC* decision on May 12, 2026, the USPTO Director vacates institution where the petitioner advanced indefiniteness arguments in district court after institution without sufficient justification and stipulated to withdraw its district court arguments only after the patent owner brought the inconsistency to the Office's attention.

In the *Terumo BCT, Inc. v. Haemonetics Corp.* decision on May 12, 2026, the Director vacates institution where the petitioner advanced indefiniteness arguments in district court after institution without sufficient justification. The Director further explains that the petitioner's post-institution conduct demonstrated that the petitioner was not using the IPR process as an alternative to district court, contrary to Congress's intent in the America Invents Act.

In the *TikTok, Inc. v. Shopsee, Inc.* Decision on Jan. 16, 2026, the Director exercised discretion to deny institution under 35 U.S.C. § 314(a) where the petitioner advanced different claim construction positions before the district court and the Board and subsequently stipulated not to pursue the different claim construction in district court if the Office instituted review. The Director determined that: (1) the petitioner did not sufficiently explain why the different claim construction positions are warranted, and (2) the stipulation does not sufficiently reduce duplication or minimize the potential for different outcomes between the district court and the Board.

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