

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TESLA, INC.

Petitioner,

v.

iQAR INC.,

Patent Owner

Case IPR2024-00543

Patent 10,882,399

**PETITIONER'S REPLY TO
PATENT OWNER'S PRELIMINARY RESPONSE**

EXHIBITS

TESLA-1001	U.S. Patent No. 10,882,399 to Koebler, et al. (“the ’399 Patent”)
TESLA-1002	Excerpts from the Prosecution History of the ’399 Patent (“the Prosecution History”)
TESLA-1003	Declaration and Curriculum Vitae of Dr. Vassilios Morellas
TESLA-1004	Complaint, <i>iQar Inc. v. Tesla, Inc.</i> , 1:23-cv-00694, W.D. Tex., June 20, 2023
TESLA-1005	Certified Translation of Japanese Pat. Pub. No. JP 2003-276472 (“Hongo”)
TESLA-1006	Translation Certification for TESLA-1005
TESLA-1007	Japanese Pat. Pub. No. JP 2003-276472 (“Hongo2”)
TESLA-1008	U.S. Pat. No. 6,282,464 (“Obradovich”)
TESLA-1009	U.S. Pat. No. 7,059,435 (“Niki”)
TESLA-1010	U.S. Pat. App. Pub. No. US 2005/0251325 (“Kudo”)
TESLA-1011	U.S. Pat. No. 6,314,347 (“Kuroda”)
TESLA-1012	U.S. Pat. No. 7,552,008 (“Newstrom”)
TESLA-1013	U.S. Pat. No. 8,229,644 (“Boecker”)
TESLA-1014	U.S. Pat. No. 6,420,975 (“DeLine”)
TESLA-1015	Trach, Walter, Jr. et al., “Driver Assistive Systems for Rural Applications: Digital Mapping of Roads for Lane Departure Warnings (“Trach”)

TESLA-1016	Mukhachev P. A. et al., “Modern Machine Learning Methods for Telemetry-Based Spacecraft Health Monitoring,” Automation and Remote Control, 2021, Vol. 82, No. 8, pp. 1293–1320 (2021)
TESLA-1017	Gorjestani A. et al., “Radar Based Longitudinal Virtual Bumper Collision Avoidance System Implemented on a Truck” (Feb. 1999)
TESLA-1018	Walker, Jearl, “Fundamentals of Physics,” 10th Edition, Halliday & Resnick, ISBN 978-1-118-23072-5 (“Walker”)
TESLA-1019	U.S. Pat. App. No. 2004/0180670 (“Pande”)
TESLA-1020	U.S. Pat. No. 7,860,647 (“Amano”)
TESLA-1021	U.S. Pat. No. 7,460,946 (“Shima”)
TESLA-1022	U.S. Pat. No. 6,675,085 (“Straub”)
TESLA-1023- TESLA-1049	RESERVED
TESLA-1050	Memorandum, Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation (USPTO June 21, 2022) (“Director’s Guidance”)
TESLA-1051	Defendant Tesla, Inc.’s Opposed Motion to Transfer Venue to the Northern District of California Under 28 U.S.C. § 1404(a), <i>iQar Inc. v. Tesla, Inc.</i> , 1:23-cv-00694, W.D. Tex., October 31, 2023
TESLA-1052	District Court Trial Statistics (12-Month Period Ending June 30, 2023 June 30, 2023)

Patent Owner's ("iQar") attempted distinction from prior art asserted in the Petition hinges on interpreting "determining a segment of a vehicle route" as requiring "a *prospective* determination" involving a "*not yet travelled* segment of a vehicle route." Prelim. Resp., 1 (emphasis in original), 6-7. This interpretation is not only unjustified, but the specification ultimately refutes it.

The phrase "determining a segment of a vehicle route" uses ordinary and readily-understood terms, and iQar's interpretation departs from the plain and ordinary meaning by injecting attributes absent from the claim language —"not yet travelled" and "prospective". See TESLA-1001, 27:43-52 (claim 1), 28:17-33 (claim 11). But iQar has not justified its departure from plain meaning, as it fails to identify any claim disavowal, and the cited portions of the specification do not include any definition of "segment." *Thorner v. Sony Computer Entertainment America LLC*, 669 F.3d 1362 (Fed. Cir. 2012); see Prelim. Resp., 2-3; see also TESLA-1001, 1:17-18, 3:55-4:10, 5:49-55, 6:63-7:31, 14:5-45.

Worse, iQar mischaracterizes the specification in urging that "the claims require *prospective* speed/power calculations." Prelim. Resp., 7 (citing TESLA-1001, 3:55-4:10). Citing to examples of "next segments (or upcoming segments)" being used to calculate power and speed, iQar ignores the use of permissive language in the specification that confirm non-limiting disclosure. See TESLA-1001, 3:55-58 ("The power management logic may determine an applied power"

using information “**selected from the group consisting** of...) (emphasis added).

The specification also refutes iQar’s interpretation of “segment” by offering embodiments focused on power calculations based on “current” segments. *See* TESLA-1001, 5:38-55, 14:5-39, 18:33-36, 20:19-25. Indeed, in even the embodiment iQar cites in its Preliminary Response, “applied power may be calculated continuously[,]” e.g., “the power may be calculated **at each point (e.g., every segment,** or points within a segment) **as the vehicle is driven**[,]” and “[t]hus, over an entire route, the most energy efficient speed at which to drive may be **continuously calculated.**” *Id.* (emphasis added); *see* Prelim. Resp., 7 (citing TESLA-1001, 5:49-55). In this context, the specification further describes that “[e]nergy efficient speeds for **current and upcoming route segments** can then be calculated based on the route.” *Id.*, 5:43-50 (emphasis added); *see also* TESLA-1005, [0009]. Because the specification describes speed calculation for “current and upcoming route segments,” it lacks the disavowal or definition needed to justify departure from plain meaning. *See Oatey Co. v. IPS Corp.*, 514 F.3d 1271, 1276 (Fed. Cir. 2008) (“[a]t least where claims can reasonably [be] interpreted to include a specific embodiment, it is incorrect to construe the claims to exclude the embodiment...”).

Respectfully submitted,

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CERTIFICATION UNDER 37 CFR § 42.24(d)

Pursuant to 37 CFR § 42.8(b), the undersigned certifies that on July 2, 2024, a complete and entire copy of this Petitioner's Reply was provided via email to the Patent Owner by serving the correspondence email addresses of record as follows:

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