

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TESLA, INC.,
Petitioner,

v.

AUTONOMOUS DEVICES LLC,
Patent Owner.

Case IPR2024-00745
U.S. Patent No. 11,663,474

**PETITIONER'S OPPOSITION TO PATENT OWNER'S MOTION TO
STRIKE PORTIONS OF PETITIONER'S REPLY**

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I. INTRODUCTION

Petitioner's Reply arguments are responsive to arguments raised in the Patent Owner's Response and consistent with the obviousness theories presented in the Petition. Patent Owner's Motion to Strike should therefore be denied.

As discussed further below, the Motion repeatedly fails to acknowledge pertinent portions of the record contradicting Patent Owner's allegations of new or non-responsive arguments in the Reply. The Motion instead raises objections to routine rebuttals that, if sustained, would deprive Petitioner of a fair opportunity to address multiple erroneous and unforeseeable arguments raised for the first time in the Patent Owner's Response. Because Patent Owner's objections are unsupported by the Board's rules and applicable Federal Circuit precedent, the Motion should be denied.

II. LEGAL STANDARDS

"[U]nder the Board's rules and consistent with the Supreme Court's decision in *SAS*, a petitioner is entitled to respond to new arguments made in a patent owner response." *Axonics Inc. v. Medtronic Inc.*, 75 F.4th 1374, 1380 (Fed. Cir. 2023); *see also id.*, ("[W]e have regularly held, the petitioner in an *inter partes* review proceeding may introduce new evidence after the petition stage if the evidence is a legitimate reply to evidence introduced by the patent owner."); 37 C.F.R. 42.23(b). Arguments that "fairly respond[] only to arguments made in ... [patent owner's]

response” are appropriately made in a reply and should not be struck. *Belden Inc.*

v. Berk-Tek LLC, 805 F.3d 1064 (Fed. Cir. 2015). “[S]triking the entirety or a portion of a party’s brief is an exceptional remedy that the Board expects will be granted rarely.” 2019 Consolidated Trial Practice Guide, p. 80.

III. ARGUMENT

Each of Patent Owner’s eight objections to portions of the Reply as allegedly being directed to “new arguments and pieces of evidence that were not presented in the Petition nor are responsive to arguments raised in the Patent Owner Response” are unfounded and should be denied. Motion, p. 2.

A. Objection 1 Should be Denied

The Reply’s explanation at page 9 “that a network merge in Buibas would involve a merge of the neural networks themselves—including but not limited to the weights of the networks” is directly responsive to argument in the POR that “a network merge” is allegedly “a phrase Buibas uses for a merge of weight vectors of the neural networks, not for merging of neural networks.” POR, 14-15; EX2001, ¶68. The Reply argument is also consistent with the Petition’s analysis of Buibas’ network merges and their relevance to claims 56 and 57 of the ’474 Patent. Pet., 41-44.

B. Objection 2 Should be Denied

The Reply’s reliance on Exhibit 1031 to corroborate the fact that Buibas’ “*entire designs*’ of networks are copied and the networks themselves are merged”

is directly responsive to argument in the POR that “a network merge” is allegedly “a phrase Buibas uses for a merge of weight vectors of the neural networks, not for merging of neural networks.” POR, 14-15; EX2001, ¶68. The Reply’s argument and evidence is also consistent with the Petition’s analysis of Buibas’ network merges and their relevance to claims 56 and 57 of the ’474 Patent. Pet., 41-44; *Axonics*, 75 F.4th at 1380 (“may introduce new evidence after the petition stage if the evidence is a legitimate reply”).

C. Objection 3 Should be Denied

The Reply’s argument and evidence at pp.12-15 regarding Buibas’ “partitioned neuromorphic apparatus” and FIG. 11 is directly responsive to arguments in the POR that a partitioned network in Buibas would necessarily have “separate” sets of inputs. POR, 18-20 (“partitions themselves are separate neural networks trained for different tasks[] that each includes its own separate inputs”). The Reply’s discussion of Buibas’ partitioned neuromorphic apparatus and FIG. 11 refutes this contention in the POR. The Petition also cited Buibas’ disclosure of partitioned brain images and neuromorphic apparatus. Pet., 18, 21-23, 41-42.

D. Objection 4 Should be Denied

The Reply’s argument at p. 15 regarding Buibas’ “non-interleaved merges in which the system produces a partitioned brain image” is directly responsive to the POR’s own arguments regarding Buibas’ “non-interleaved merges” and responsive

to the POR's argument that Buibas' merge precludes instruction sets from multiple devices from being combined and correlated with the same inputs. POR, 11, 20, 41. The Reply argument is also consistent with the Petition's discussion of Buibas's merge operation, including non-interleaved merges. Pet., 42-43.

E. Objection 5 Should be Denied

The Reply's argument at pp. 16-17 regarding "re-training" in Buibas is directly responsive to arguments in the POR that "Buibas does not disclose or suggest" re-training networks. POR, 41; *see also id.*, 20-23, 26, 31-33-34, 36. The alleged relevance of re-training was first raised in the POR, but the Reply arguments are nonetheless consistent with the Petition's mappings to Buibas's trained brain images. Pet., 17-29, 41-42.

F. Objection 6 Should be Denied

The Reply's argument at pp. 18-19 that Buibas's network merge involves not only "combining weight vectors" but also providing "a combined set of instruction sets at the output of the merged network" is directly responsive to assertions in the POR that "[m]erging two weight vectors ... involves combining weights ... and does not involve any instruction sets." POR, 15; *see also id.*, 15-17, 22-25. The Reply arguments are also consistent with the Petition's reliance on Buibas's network merge operations. Pet., 41-43.

G. Objection 7 Should be Denied

The Reply's argument at pp. 19 and 21 about Buibas' "merging weight vectors to combine the capabilities of the parents" is directly responsive to assertions in the POR that "Buibas does not show or describe merging instruction sets." POR, 22; *see also id.*, 15-25. The Reply arguments are also consistent with the Petition's reliance on Buibas's network merge operations. Pet., 41-43.

H. Objection 8 Should be Denied

The Reply's discussion at p. 24 of sharing trained configurations of a controller is consistent with the Petition's explanation that "Grotmol discloses that the control outputs can be learned in a learning process" and further that Grotmol discloses loading trained configurations on one or more other robots. Pet., 81. The Reply's discussion at p. 24 is also directly responsive to argument in the POR that Grotmol lacks these features. POR, 37-39, 44-48.

IV. CONCLUSION

The Board should deny Patent Owner's Motion to Strike in full, especially since the Motion fails to establish that any of the argument or evidence cited in the Reply was improper. It was not. Regardless, Patent Owner will also have a full opportunity to respond to the Reply on its merits in Patent Owner's forthcoming Sur-Reply brief and the upcoming hearing. Patent Owner has not shown that the Board should invoke the "exceptional remedy" requested. TPG, p. 80.

Respectfully submitted,

Dated 05/27/2025

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CERTIFICATE OF SERVICE

Pursuant to 37 CFR § 42.6(e)(4), the undersigned certifies that on May 27, 2025, a complete and entire copy of this Petitioner's Opposition to Patent Owner's Motion to Strike Portions of Petitioner's Reply was provided by email to the Patent Owner by serving the correspondence address of record as follows:

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