

From: [Trials](#)
To: [Jarratt, Scott](#); [Trials](#)
Cc: [Scott Jarratt IPR](#); [Calmann Clements IPR](#); [Jon Bowser IPR](#); [Paul Margulies \(pmargulies@tesla.com\)](#); [Daniel H. Golub](#); [Brandon R. Theiss](#); [Ryan O'Donnell](#); [Robert D. Leonard](#); [rrigby@intven.com](#)
Subject: RE: IPR2025-00218
Date: Wednesday, March 26, 2025 12:13:45 PM

EXTERNAL: Sent from outside Haynes and Boone, LLP

Counsel,

Petitioner Tesla, Inc. requests leave to file a seven page Preliminary Reply to Patent Owner's Preliminary Response in IPR2025-00218 to address the following issues: (1) Fintiv; (2) claim construction of "each of the plurality of bits indicates a respective time interval"; and (3) claim construction of "broadcast information". Petitioner's request is granted. Petitioner has until April 4, 2025 to file a Preliminary Reply of no more than 7 pages. Patent Owner has until April 16, 2025 to file a Preliminary Sur-reply of no more than 7 pages. Petitioner is directed to submit this email as an exhibit to its Preliminary Reply to evidence authorization for the filing.

Regards,

Andrew Kellogg,
Deputy Chief Clerk, Trials
Patent Trial and Appeal Board
USPTO
andrew.kellogg@uspto.gov
(571) 272-5366

From: Jarratt, Scott <Scott.Jarratt@haynesboone.com>
Sent: Tuesday, March 25, 2025 4:34 PM
To: Trials <Trials@USPTO.GOV>
Cc: Scott Jarratt IPR <Scott.Jarratt.IPR@haynesboone.com>; Calmann Clements IPR <Calmann.Clements.ipr@haynesboone.com>; Jon Bowser IPR <Jon.Bowser.ipr@haynesboone.com>; Paul Margulies (pmargulies@tesla.com) <pmargulies@tesla.com>; Daniel H. Golub <DGolub@vklaw.com>; Brandon R. Theiss <BTheiss@vklaw.com>; Ryan O'Donnell <RODonnell@vklaw.com>; Robert D. Leonard <RLeonard@vklaw.com>; rrigby@intven.com
Subject: IPR2025-00218

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Dear Honorable Board,

Pursuant to 37 CFR 42.108(c), Petitioner Tesla, Inc. requests leave to file a Preliminary Reply to Patent Owner's Preliminary Response in IPR2025-00218 to address the following issues:

1. Fintiv: After the Petition was filed, the Office rescinded the Memorandum addressing discretionary denial. Petitioner cited to and relied upon the Memorandum in the Petition. (Ex.1013). Good cause therefore exists for a reply so that Petitioner can address the impact of this development, and also provide a stipulation.
2. Claim construction of "each of the plurality of bits indicates a respective time interval": Petitioner could not have anticipated that Patent Owner would base its construction of this term on figures created by its expert (POPR, 11, 13) and statements of obviousness (POPR, 13 ("the embodiment of FIG. 9 could be extended to a system where...")) rather than the actual disclosure of the '416 patent. Good cause therefore exists to allow Petitioner to address this construction and its applicability to the prior art.
3. Claim construction of "broadcast information": Patent Owner alleges that Petitioner's interpretation of "broadcast information" in the IPR is "diametrically opposed" to Petitioner's construction in district court. Petitioner could not have anticipated Patent Owner would (i) ignore the actual words of Petitioner's construction (not referenced in the POPR), and (ii) ignore that the Petition points to a "broadcast" channel in the prior art. Good cause therefore exists to allow Petitioner to show why its district court construction of "broadcast information" is not inconsistent with information in a "broadcast" channel (as mapped in the petition).

Petitioner requests authorization for a seven-page reply to the POPR. Petitioner does not oppose granting Patent Owner a sur-reply of the same length. While Petitioner does not believe a conference call with the Board is necessary, counsel for Petitioner is generally available if the Board should choose to schedule a conference call.

Petitioner and Patent Owner have conferred, and Patent Owner states the following:

"Patent Owner opposes Petitioner's request. Patent Owner is mindful of the Board's rules forbidding parties from making arguments in emails to the Board. Patent Owner therefore requests that the Board convene a conference call during which Patent Owner may have an opportunity to present its position opposing Petitioner's request. Counsel for Patent Owner is generally available for a conference call with the Board."

Thank you,
Scott Jarratt
Counsel for Petitioner

HAYNES BOONE

Scott Jarratt

Partner

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