

From: [Trials](#)
To: [Bowser, Jonathan](#); [Trials](#)
Cc: [Jon Bowser IPR](#); [Scott Jarratt IPR](#); [Calmann Clements IPR](#); [Ashraf Fawzy](#); [Daniel H. Golub](#); [Ryan O'Donnell](#); [Robert D. Leonard](#); "Russ Rigby"
Subject: RE: IPR2025-00341
Date: Wednesday, June 4, 2025 11:19:10 AM
Attachments: [image001.png](#)

Counsel,

The panel has considered Petitioner's request and has determined that additional briefing may be beneficial. Petitioner is authorized to file a preliminary reply, limited to five pages, addressing the two issues raised, on or before June 11, 2025. Patent Owner is authorized to file a preliminary sur-reply on or before June 18, 2025. No conference call is necessary at this time.

Regards,

Andrew Kellogg,
Deputy Chief Clerk, Trials
Patent Trial and Appeal Board
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From: Bowser, Jonathan <Jonathan.Bowser@haynesboone.com>
Sent: Wednesday, May 21, 2025 6:08 PM
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Subject: IPR2025-00341

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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 (POPR) in IPR2025-00341 to address the following issues:

1. Implicit claim construction of “event correlation capabilities”: Patent Owner implicitly construes “event correlation capabilities” to exclude “radar-based missile tracking within an anti-air-warfare (AAW) control system.” POPR, 20. Petitioner could not have anticipated that Patent Owner would seek a construction that excludes naval anti-air warfare systems when the ’743 patent itself was developed by the Naval Surface Warfare Center (Ex.1001, 4:8-10) and illustrates and describes AAW systems. Ex.1001, Figs. 5A and 5B; Table 1.
2. Mischaracterization of “application programs”: Patent Owner argues that “Welch makes a clear distinction between ‘paths’ and ‘program applications.’” POPR, 24. Petitioner could not have anticipated that Patent Owner would ignore Welch’s equivalation of the two: “If a sub-**path** (RTCS **program**) is terminated due to some hardware/software failure.” Ex.1005, 3; Petition, 71.

Good cause therefore exists to allow Petitioner to address Patent Owner’s implicit construction and mischaracterizations of the prior art.

Petitioner requests authorization for a five-page reply to the POPR. Petitioner does not oppose granting Patent Owner a sur-reply of the same length.

Petitioner and Patent Owner have conferred. Patent Owner opposes Petitioner’s request for a reply. Patent Owner’s position is below.

“Patent Owner is opposed for the following reasons:

1. It was foreseeable that Patent Owner would construe the “event correlation capabilities” according to its usage in the ’743 Patent. The Petitioner is attempting to correct their error in misinterpreting the claim through the additional briefing.
2. As Petitioner observes, RTCS program is a component in a path (i.e., sub-path) and not the path itself. Accordingly, Petitioner seeks to impermissibly correct an error in the petition through the additional briefing.”

The parties are generally available if the Board should choose to schedule a conference call.

Respectfully submitted,
Jonathan Bowser
Counsel for Petitioner

HAYNES BOONE

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