UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSARA, INC.
Petitioner

v.

MOTIVE TECHNOLOGIES, INC.,
Patent Owner.

Case IPR2025-00574
U.S. Patent No. 11,875,580

PATENT OWNER'S SUR-REPLY TO PETITIONER'S PRE-INSTITUTION REPLY TO PATENT OWNER'S PRELIMINARY RESPONSE[1]

[1] Authorized by the Board via email dated July 9, 2025.

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TABLE OF EXHIBITS

Ex. No.	Description
2001	U.S. Patent No. 11,798,187, "Lane detection and distance estimation using single-view geometry" (Oct. 24, 2023)
2002	Provisional Application No. 62/975,360, filed on Feb. 12, 2020
2003	Declaration of Scott Andrews
2004	Declaration of Hector Ribera

The Reply raises straw-man arguments to hide the fact that the Petition included a misleading statement regarding which prior art references where considered by the Examiner. *See* Pet. at 7. Petitioner clearly intended to suggest that Khan and Ali disclosed subject matter the Examiner did not know about and that therefore led to allowance of the claims. But the subject matter of Khan and Ali is part of the disclosure of the '580 Patent and therefore necessarily considered by the Examiner. Patent Owner has not disputed that Khan and Ali are publications or that being considered by the Examiner precludes institution. Instead, institution should be denied because the Petition fails to show a reasonable likelihood that the Challenged Claims are unpatentable.

A. KHAN AND ALI WERE EXPRESSLY INCORPORATED BY REFERENCE INTO THE '580 PATENT

The '580 Patent refers to the '950 application no less than five times, and incorporates it "in its entirety" twice. Ex. 1001 at 5:41-45; 14:34-36; 15:24-27; 15:49-52; and 16:8-12. The '950 application, issued as U.S. Pat. 11,798,187, claims the benefit of U.S. Prov. App. No. 62/975,360 and expressly incorporates it "by reference in its entirety." *See* Ex. 2001, 1:8-11. The '360 provisional includes both Khan and Ali in its disclosure as "Appendices A and B **attached hereto.**" Ex. 2002 at [0009] and pp.0008-0027. Thus, whether properly or improperly, it is unquestionable that Khan and Ali are incorporated by reference as part of the disclosure of the '580 Patent.

B. PETITIONER FAILS TO ESTABLISH KHAN AND ALI AS "ESSENTIAL MATERIAL"

Petitioner argues that this incorporation by reference was improper because Khan and Ali are allegedly "essential material." Reply at 1. But the Reply fails to establish any essentiality. Petitioner incorrectly states that "[e]ssential material is matter that describes or enables an embodiment of the invention." Pet. at 1. In fact, "'essential material' is expressly defined as material **necessary** to meet the requirements of § 112." *See Droplets, Inc. v. E*Trade Bank*, 887 F.3d 1309, 1318 (Fed. Cir. 2018) (explaining 37 C.F.R. § 1.57(c)) (emphasis added). By failing to show how Khan and Ali are **necessary** to provide written description or enablement for any of the claims of the '580 patent, the Reply fails to establish Khan and Ali as "essential material." *See id.* at 1319 (noting that ultimately the claim language, as amended during prosecution, determines essentiality). In fact, the sections of the '580 Patent cited by Petitioner show the referenced material is not essential. *See* Reply at 2. For example, the specification notes that the disclosure of the incorporated '187 patent is not required but only provides "further detail" of what is already described for "computing camera properties" and "computing IPM." Further, the Reply fails show any claims that recite "computing IPM" or "applying IPM" or using "a geometric algorithm to determine lane width" or "detecting object distances" nor how these incorporated references are necessary

for Section 112 support of any claim. *See* Reply at 2. Therefore, the Reply fails to establish that the incorporated Khan and Ali material is "essential material."

C. KHAN AND ALI WERE PROPERLY INCORPORATED

Even if the incorporated by reference material was "essential," Petitioner's arguments also fail because the relevant subject matter disclosed in Khan and Ali is also disclosed as part of the specification of the '187 patent itself and "'[e]ssential material' may be incorporated by reference … by reference to a U.S. patent." 37 C.F.R. § 1.57(d). Thus, the improper incorporation by reference arguments in the Reply fail for this reason too. For example, the figure relied upon in the Petition from Khan and Ali (Pet. at 45) is FIG. 4A in the '187 patent. *See* Ex. 2001 at FIG. 4A. Similarly, figures 10A and 10B in the '187 patent are the same as figures 5(a) and (b) of Ali and the same geometric algorithm to determine lane lines is disclosed in the specification of the '187 patent. *See* Ex. 2001 at FIG. 10A and 10B and 6:54-7:65; *cf*. POPR at 18. The '187 patent also describes "using a RANSAC algorithm." Ex. 2001 at 8:12-15. The Petition relies on Khan stating that it "uses RANSAC (a predictive model) to predict the horizon line." Petition at 41 (citing EX1007, 1826-27). Thus, not only are Khan and Ali expressly incorporated by reference into the '187 patent, but the subject matter of the two papers is part of the text and the figures of the patent specification itself, which is what the '580 patent incorporates by reference. Therefore, the subject matter of

Khan and Ali, whether "essential material" or not, was properly incorporated by reference as part of the disclosure of the '580 patent and thus before the Examiner.

While irrelevant, Petitioner's argument that Khan and Ali were improperly incorporated by reference into the '360 provisional in violation of 37 C.F.R. § 1.57(c)(1) is also wrong because Khan and Ali were not incorporated by reference to the provisional, they were "attached hereto" as part of the provisional application itself. Unlike the application in *Apple v. DoDots*, Khan and Ali were not missing from the '360 provisional, thus they are in fact part of its disclosure. *See* IPR2023-00939, Paper 12 at 9-10 (noting that "[i]n fact, they [the appendices] are not attached. They are missing from the '695 patent as published."). Thus, Khan and Ali are properly incorporated by reference in the '580 patent.

D. KHAN AND ALI DO NOT RENDER ANY CLAIMS OBVIOUS

Going beyond what the Board authorized Petitioner to address in its Reply, Petitioner attempts to supplement the Petition with improper claim construction arguments that attempt to encompass as a "predictive model" the geometric approach expressly distinguished by the inventors in the specification. *See* Reply at 4. The Federal Circuit has repeatedly stated that such constructions are "rarely, if ever, correct" and require "highly persuasive evidentiary support." *See Cupp Computing AS v. Trend Micro Inc.,* 53 F. 4th 1376, 1381 (Fed. Cir. 2022). The Reply then includes additional improper arguments about what Khan and Ali

describe. *See* Reply at 4-5. These arguments should be ignored by the Board. But in any case, contrary to Petitioner's arguments, Khan and Ali simply do not disclose any "predictive models" to determine a horizon line. *See* Reply at 4. As explained in the POPR and in Mr. Andrew's Declaration, the geometric approach of Khan and Ali is not a predictive model as claimed in the '580 patent. POPR at 25-28. Further, Khan and Ali do not teach or suggest "identifying one or more lines in the video using a predictive model, the one or more lines including a horizon line" as required by claim 1. *Id*.

E. THE EXAMINER DID CONSIDER THE SUBJECT MATTER DISCLOSED IN KHAN AND ALI

Contrary to Petitioner's allegation, the POPR does not have any argument about denial of institution based on Khan and Ali being considered during prosecution. *See* Reply at 5. Institution should be denied because the Petition has failed to show a reasonable likelihood that the Challenged Claims are unpatentable because none of the grounds show the method of claim 1, including "identifying one or more lines in the video using a predictive model, the one or more lines including a horizon line," to be obvious under 35 U.S.C. § 103. In any case, the subject matter of Khan and Ali was considered by the Examiner, because any "art described in the specifications is expected to be considered by the Examiner." *Polaroid Corp. v. Eastman Kodak Co.*, 641 F.Supp. 828, 832-33 (D.Mass.1985) (citing *Gould v. General Photonics Corp.*, 534 F.Supp. 399, 403 (N.D.Cal.1982)).

Respectfully submitted,

Date: July 25, 2025

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CERTIFICATE OF SERVICE

The undersigned certifies that on July 25, 2025, a complete and entire copy of this PATENT OWNER'S SUR-REPLY TO PETITIONER'S PRE-INSTITUTION REPLY TO PATENT OWNER'S PRELIMINARY RESPONSE was provided via electronic mail (by consent) to the Patent Owner by serving the correspondence address identified in the Mandatory Notices:

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