

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TESLA, INC.,
Petitioner

v.

GRANITE VEHICLE VENTURES LLC,
Patent Owner

Case IPR2025-00943
Patent 11,597,402

**PATENT OWNER'S PRELIMINARY RESPONSE
PURSUANT TO 37 C.F.R. § 42.107**

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EXHIBIT LIST

Exhibit	Description
EX2001	Complaint for Patent Infringement, <i>Granite Vehicle Ventures LLC v. Tesla, Inc.</i> , DKT No. 1, Case No. 2:24-cv-01007-JRG, (E.D. Texas, December 6, 2024)
EX2002	Docket Sheet for <i>Granite Vehicle Ventures LLC v. Tesla, Inc.</i> , Case No. 2:24-cv-01007-JRG
EX2003	First Amended Docket Control Order for <i>Granite Vehicle Ventures LLC v. Tesla, Inc.</i> , DKT No. 42, Case No. 2:24-cv-01007-JRG, (E.D. Texas, April 10, 2025)
EX2004	Docket Control Order for <i>Granite Vehicle Ventures LLC v. Tesla, Inc.</i> , DKT No. 38, Case No. 2:24-cv-01007-JRG, (E.D. Texas, March 27, 2025)
EX2005	RESERVED
EX2006	Plaintiff's Notice of P.R. 3-1 and P.R. 3-2 Disclosures, for <i>Granite Vehicle Ventures LLC v. Tesla, Inc.</i> , DKT No. 49, Case No. 2:24-cv-01007-JRG, (E.D. Texas, April 28, 2025)
EX2007	Defendants' Notice of Compliance Regarding Patent Rule 3-4(a) Disclosures for <i>Granite Vehicle Ventures LLC v. Tesla, Inc.</i> , DKT No. 58, Case No. 2:24-cv-01007-JRG, (E.D. Texas, May 8, 2025)
EX2008	Defendants' Notice of Compliance Regarding Patent Rule 3-3 and 3-4 Invalidity Contentions, <i>Granite Vehicle Ventures LLC v. Tesla, Inc.</i> , DKT No. 74, Case No. 2:24-cv-01007-JRG, (E.D. Texas, June 5, 2025)
EX2009	Defendant's Invalidity Contentions served June 4, 2025
EX2010	Declaration of Blaine A. Larson in Support of Discretionary Denial Brief
EX2011	Protective Order for <i>Granite Vehicle Ventures LLC v. Tesla, Inc.</i> , DKT No. 52, Case No. 2:24-cv-01007-JRG, (E.D. Texas, April 28, 2025)
EX2012	Notice of Broadened Sotera Plus Stipulation of Defendant Tesla, Inc., <i>Granite Vehicle Ventures LLC v. Tesla, Inc.</i> , DKT No. 88, Case No. 2:24-cv-01007-JRG, (E.D. Texas, July 24, 2025)
EX2013	Patent Owner Statutory Disclaimer, filed August 8, 2025

Exhibit	Description
EX2014	37 Federal District Court Cases for District Court Judge Rodney Gilstrap
EX2015	Defendant Tesla, Inc.’s Amended and Supplemental Objections and Responses to Plaintiff Granite Vehicle Ventures LLC’s First Set of Interrogatories (Nos. 1–14) (Excerpted & Redacted) FILED UNDER SEAL

Granite Vehicle Ventures LLC (“Patent Owner”) respectfully requests the Board deny institution in this proceeding because the Petition filed by Tesla, Inc. (“Petitioner”) does not have a reasonable likelihood of prevailing on any claim of U.S. Patent No. 11,597,402 (“the ’402 patent”).

I. INTRODUCTION

Petitioner cannot prevail on any of the remaining challenged claims of the ’402 patent—claims 6, 8–11, and 13. These claims are all directed to inventions used in self-driving vehicles (“SDVs”) that use “active learning data”—and all but one use “weighted voting”—in connection with particular determinations. Petitioner failed to show that the cited art discloses or renders obvious either of these limitations. The Grounds set forth in the Petition rely on combinations using a large number of alleged prior art references—no less than three references, and as many as *five*. Unsurprisingly, Petitioner failed to show *how* or *why* an ordinary artisan would have combined all these references to achieve the particular features claimed. Moreover, despite the large number of references cited, Petitioner still could not find all the limitations of the claims in the art.

First, Petitioner fails to show that claim 6 would have been obvious because, contrary to the Petition, *Scofield* does not teach *active learning data*. The Petition relies on an incorrect and overly broad interpretation of *active learning data*, which

it implicitly construes to mean any data from a source external to the SDV. This reads the word “learning” out of the claims. *Scofield* never discloses using data for “learning,” and Petitioner does not attempt to argue that it does. *Scofield* therefore does not disclose “active **learning** data.” Petitioner also fails to show any motivation to combine *Scofield* with the primary reference, *Attard*, relying instead on assertions of generic improvements that cannot support a finding of obviousness.

Second, Petitioner fails to show that any of claims 8–11 and 13 would have been obvious. The Petition cites a different reference, *Grimm*, for the *active learning data* limitations of these claims. Nevertheless, the Petition relies on the same flawed interpretation of *active learning data* for claims 8–11 and 13; *Grimm*, like *Scofield*, does not disclose “active **learning** data” because it does not disclose “learning” and Petitioner does not attempt to argue that it does. Moreover, Petitioner fails to show a reason to combine *Grimm* with *Attard*. Even if there were such a reason, the proposed combination would still not result in all the limitations of the claims being met.

For at least these reasons, the Board should deny institution and terminate this proceeding.

II. BACKGROUND

A. The Invention of the '402 Patent

The '402 patent is titled “Controlling Driving Modes of Self-Driving Vehicles,” EX1001 at (54), and generally relates to “controlling whether self-driving vehicles operate in autonomous mode or manual mode.” *Id.* at 1:28–30. The '402 patent names Michael S. Gordon, James R. Kozloski, Ashish Kundu, Peter K. Malkin, and Clifford A. Pickover as inventors. *Id.* at (72). The '402 patent claims priority through a chain of continuation applications to a non-provisional application filed September 25, 2015, *id.* at (63), and issued on March 7, 2023. *Id.* at (45).

The '402 patent describes its disclosure as relating “specifically to the field of self-driving vehicles” or SDVs, which it describes as, *e.g.*, “vehicles that are able to autonomously drive themselves through private and/or public spaces.” *Id.* at 1:26–27, 1:31–33. “[A]t any point in time[,] the SDV may be in autonomous mode or manual mode.” *Id.* at 6:18–20. “While in manual mode, SDV 202 operates as a traditional motor vehicle, in which a human driver controls the engine throttle, engine on/off switch, steering mechanism, braking system, horn, signals, etc. found on a motor vehicle.” *Id.* at 6:41–44. “While in autonomous mode, SDV 202 operates without the input of a human driver, such that the engine, steering mechanism,

braking system, horn, signals, etc. are controlled by the SDV control processor 303,” which is “under the control of the SDV on-board computer 301.” *Id.* at 6:51–55.

The ’402 patent also relates “to the field of controlling whether self-driving vehicles operate in autonomous mode or manual mode.” *Id.* at 1:28–30. The patent teaches that, to determine the mode in which the SDV should operate in certain embodiments, the SDV can calculate both the competence level of the vehicle’s control processor and the competence level of the human driver. *See id.* at 10:9–15, 10:63–11:8. Then, for example, “a query is made as to which competence level is higher: the control processor competence level (CPCL) or the human driver competence level (HDCL).” *Id.* at 11:60–63. Based on the results of said query, the SDV either remains in autonomous mode or switches to manual mode. *Id.* at 11:63–12:2.

Although the ’402 patent has several points of novelty over Petitioner’s combinations of references, for purposes of this preliminary response, Patent Owner will focus on its use of *active learning data* and *weighted voting*. For example, claim 9 recites:

9. A computer program product for controlling a driving mode of a self-driving vehicle (SDV), . . . comprising:
...

determining whether the fault exceeds the threshold for danger comprises *weighted voting*;
a weighted voting parameter comprises *active learning data*, said active learning data including information from other SDVs.

Id. at 23:33–37. Each claim challenged in Grounds 3–6 recites “active learning data,” and claims 8–11 and 13 all recite using *weighted voting* as part of a determination and a *weighted voting parameter* based on *active learning data*.

The ’402 patent teaches that, in an embodiment, the SDV utilizes a weighted voting system “to weight the various variables used in making [a] decision that is triggered by faults.” *Id.* at 8:60–9:6. The patent further teaches an embodiment in which “processor(s) weight each of the sensor readings for different anomalous operational conditions of the vehicle, and then sum the weighted sensor readings for the anomalous operational conditions of the vehicle.” *Id.* at 13:63–14:11. Depending on the outcome of this determination, the SDV could be required to go into autonomous mode, or it could be required to go into manual mode. *See id.* at 14:11–27.

The ’402 patent also teaches that, in an embodiment, “active learning is employed so that the system as a whole learns from the experiences of many SDVs and drivers, in different geographies and among cohorts.” *Id.* at 9:7–12. More

specifically, “the SDV 202 ‘learns’ about how significant operational anomalies are . . . by taking information from other SDVs and their driving history as well as the driving history of the SDV 202 itself.” *Id.* at 14:28–37. Thus, in certain embodiments, the SDV “learns” about the weight to be given certain detected operational anomalies by using active learning.

B. Patent Owner’s Disclaimer

On August 8, 2025, Patent Owner disclaimed claims 1, 3, 4, and 14–24. EX2013. Because of this disclaimer, Ground 1 (challenging claims 1 and 3), Ground 2 (challenging claim 4), Ground 7 (challenging claim 14), Ground 8 (challenging claims 15–16 and 18–20), Ground 9 (challenging claims 17, 21–22, and 24), and Ground 10 (challenging claim 23) are all moot. *See* 37 C.F.R. § 42.107(e). Grounds 3–6 remain, which collectively challenge claims 6, 8–11, and 13.

III. LEVEL OF ORDINARY SKILL IN THE ART

Petitioner proposes a person of ordinary skill in the art (“POSITA”) “would have had a bachelor’s degree in computer engineering, computer science, electrical engineering, mechanical engineering, physics, or a related field, with at least four years of experience in the field of vehicle telematics and safety systems, or a master’s degree in the same fields with at least three years of experience in the field of vehicle telematics and safety systems.” Petition at 2. It is unnecessary for Patent Owner to

propose a competing definition at this time because, even under Petitioner’s proposed definition, Petitioner has failed to demonstrate a reasonable likelihood of success on any of the challenged claims. Patent Owner reserves the right to propose a different POSITA definition if the Board institutes IPR.

IV. CLAIM CONSTRUCTION: “ACTIVE LEARNING DATA”

The Petition must identify “[h]ow the challenged claim[s] [are] to be construed.” 37 C.F.R. § 42.104(b)(3). Petitioner purports to apply “the plain and ordinary meaning [sic] of all claim terms.” Petition at 3. Instead, Petitioner ignores the plain language of the claims to arrive at an improperly broad construction of the term “active learning data,” which is present in every challenged claim. According to Petitioner, “active learning data” can be any data whatsoever, regardless of how it is used. This is inconsistent with the plain language of the claims, at least because Petitioner ignores the word “learning” in “active learning data.” By completely ignoring this claim element, Petitioner has failed to show that any reference discloses “active learning data” within the plain meaning of the claims.

Petitioner implicitly construes the term “active learning data” as “any data” that comes from sources other than the self-driving vehicle of the invention, regardless of whether the data is used for “learning.” *See, e.g.*, Petition at 42 (“Because the driving condition data is data from other autonomous vehicles, it is

active learning data including information from other SDVs.”). Petitioner is forced to ignore the plain claim language because none of Petitioner’s references disclose using data for learning.

The word “learning” in the phrase “active learning data” has its plain and ordinary meaning and is a claim limitation. The claimed “active learning data” must be used for learning; data that is not used for learning cannot satisfy this claim limitation. The specification provides examples of active learning:

In one or more embodiments of the present invention, ***active learning*** is employed so that the system as a whole ***learns*** from the experiences of many SDVs and drivers, in different geographies and among cohorts.

EX1001 at 9:7–10 (emphasis added). This shows “active learning data” is data that enables the system to “learn[] from the experiences” of other SDVs or their drivers.

The specification goes on to provide examples of things the system can learn:

In one or more embodiments of the present invention, the SDV 202 “***learns***” about how significant operational anomalies are. That is, by taking information from other SDVs and their driving history as well as the driving history of SDV 202 itself, SDV 202 is able to autonomously “***learn***” what operational anomalies are significant to the safe operation of SDV 202 (e.g., faulty brakes, faulty throttle controls, tires with little or no tread, etc.) and those which

are comparatively insignificant (e.g., a cabin air conditioning system that is low on refrigerant, etc.).

Id. at 14:28–37 (emphasis added). This passage shows an example of the SDV improving its ability to operate by learning from experience about how significant various operational anomalies are. This confirms that the '402 Patent uses the term “learning” in the usual sense to refer to a process of using an experience or data to improve in the future. A person who learns Spanish improves their ability to speak Spanish in the future. A person who learns how to ride a bike improves their ability to ride a bike in the future. An SDV that “learns” from data improves its ability to operate in the future.

The specification also distinguishes “active learning data” from mere “data.” The specification does not use the word “learning” in situations where data inputs are merely used to make a one-time (i.e., non-learning) determination without the system learning or improving its capabilities. For example, the specification describes an embodiment where the SDV uses data from a positioning system to “determine[] a real-time current location” of the SDV. EX1001 at 5:39–42. The specification does *not* describe this one-time determination of position as “learning” because no learning or improvement is occurring. The system is simply using data to make a one-shot determination about its current position. In another embodiment, the specification describes receiving an “environmental report” via a “data link” and using “the

environmental report to describe the current condition of the roadway.” *Id.* at 13:8–16. Again, the specification does **not** describe this process as “learning” and does **not** describe the environmental report data as “active learning data,” because no learning or improvement is happening in this embodiment. The SDV is simply making a one-off determination about the current condition of the roadway using the environmental report data.

In sum, the specification and claims confirm that the claim term “learning” has its ordinary meaning and cannot be ignored. Therefore “active learning data” does not simply mean “any data” as the Petition tries to argue. The Petition fails on all challenged claims because it does not identify any data in the prior art that is used for “learning” or improvement of the system’s capabilities.

V. THE PETITION FAILS TO SHOW A REASONABLE LIKELIHOOD OF PREVAILING AS TO ANY CLAIM

The Petition should be denied because it fails to show a likelihood of prevailing as to any of claims 6, 8–11, and 13.¹ These claims all recite using “weighted voting”

¹ Claims 2, 5, 7, and 12 are not challenged. Claims 1, 3, 4, and 14–24 have been disclaimed, and “[n]o [IPR] will be instituted based on disclaimed claims.” 37 C.F.R. § 42.107(e).

and/or “active learning data” in particular ways. First, Petitioner fails to show that claim 6 would have been obvious because *Scofield* does not disclose *active learning data*, nor does it render obvious the particular recited use for *active learning data*. Second, Petitioner fails to show that any of the references cited for claims 8–11 and 13 disclose *active learning data* at all.

A. Petitioner Cannot Prevail on Claim 6 Because the Cited Art Does Not Disclose or Render Obvious *Determining the Competence Level of the Processor Using Active Learning Data*

Petitioner cannot prevail on claim 6 (which depends from claim 4) because the cited art does not disclose or render obvious all the limitations of the claim. The limitations incorporated from claim 4 include a “self-driving vehicle (SDV) comprising . . . a computer system comprising a processor” where “the computer system is capable of determining a competence level of the processor.” EX1001 at 21:64–22:15. Claim 6 further recites, in part, “the computer system *determines the competence level of the processor using active learning data*, said active learning data including information from other SDVs,” *id.* at 22:39–41 (italics added), which Petitioner designates “6(c).” Petition at 84. Despite asserting a combination of *four* different references—*Attard*, *Hampiholi*, *McNew*, and *Scofield*—Petitioner fails to show that any of the cited art, individually or collectively, discloses or renders

obvious *determining the competence level of the processor using active learning data*, as required by claim 6.

Petitioner relies on a combination of *Scofield* and *Attard* for this limitation. Petition at 42–44. *Attard* does not disclose *determining the competence level of the processor using active learning data*, nor does Petitioner claim otherwise. *See id.* And, contrary to the Petition, adding *Scofield* does not render this limitation obvious for two reasons. First, *Scofield* does not disclose *active learning data* because it does not disclose learning; Petitioner’s argument that it does relies on an incorrect and overly broad interpretation of that claim term. Second, Petitioner’s proffered motivation to combine rests entirely on hindsight and conclusory assertions of nonspecific improvements, which cannot support a conclusion of obviousness.

1. *Scofield* Does Not Disclose Active Learning Data

Petitioner cannot prevail on claim 6 in part because *Scofield* does not disclose *using active learning data*. There is no evidence or argument that *Scofield* discloses any “learning.” Instead, the Petition merely asserts that “[b]ecause the driving condition data [in *Scofield*] is data from other autonomous vehicles, it is *active learning data including information from other SDVs*.” Petition at 42. That assertion relies on an incorrect and overly broad interpretation of *active learning data* that ignores the word “learning.” *See* § IV, *supra*. Because the Petition does not even

attempt to allege any “learning” is happening in *Scofield*, Petitioner’s argument fails under *any* construction of the word “learning.”

Furthermore, the cited passages from *Scofield* do not disclose any “learning” happening in connection with driving condition data from other SDVs (the alleged *active learning data*). *Scofield* describes using the alleged *active learning data* to “determine a driving condition” and “determining [whether] the driving condition exceeds a complexity threshold for autonomous driving decision making functionality.” EX1022 at 3:53–56, 4:4–7. This one-shot determination of “driving condition” is not learning; it is similar to the one-shot determinations of weather condition and position described in the ’402 Patent’s specification, which the ’402 specification *does not* refer to as “learning.” Thus, to the extent *Scofield* discloses using data from other SDVs, it only discloses using such data to make isolated, one-time determinations about driving conditions. *See id.* Those determinations do not lead to any learning or improvement of the system, and as such they do not teach the claimed “active *learning* data.” *See* § IV, *supra*.

Petitioner relies solely on *Scofield* to teach claim 6’s requirement to use *active learning data*. *See* Petition at 42–43. Because the “learning” limitation is missing and completely unaddressed in the Petition, Petitioner cannot prevail against claim 6.

2. Petitioner Fails to Establish a Motivation to Combine *Scofield* and *Attard* to Achieve *Determining the Competence Level of the Processor Using Active Learning Data*

Independent of whether *Scofield*'s driving condition data constitutes *active learning data*, the Petition cannot prevail against claim 6 because Petitioner fails to establish a motivation to combine *Scofield* with *Attard*. Petitioner relies on a conclusory assertion that the proposed combination “would have predictably improved *Attard*'s Φ computation [the alleged *competence level of the processor*] to account for information from other vehicles.” Petition at 43 (underline added). Citing generic improvements cannot support a conclusion of obviousness. *See ActiveVideo Networks, Inc. v. Verizon Communc'ns, Inc.*, 694 F.3d 1312, 1328 (Fed. Cir. 2012).

The Petition also relies on hindsight reasoning by suggesting that an ordinary artisan would have recognized alleged similarities between “*Attard* and *Scofield*'s CPCL computations.” Petition at 44. Neither *Attard* nor *Scofield* uses the term “CPCL,” which is an acronym for “control processor competence level”; it comes from the '402 patent itself. Petitioner's decision to map both *Attard*'s Φ and *Scofield*'s driving condition to the CPCL is not evidence of their similarity because it is necessarily informed by hindsight and the claimed invention itself. *See TQ Delta, LLC v. Cisco Sys.*, 942 F.3d 1352, 1361 (Fed. Cir. 2019) (“[U]sing the challenged

patent as a roadmap to reconstruct the claimed invention” would be “impermissible *ex post* reasoning and hindsight bias.”).

The Petition itself illustrates the difference between the teachings of *Attard* and *Scofield*. According to Petitioner, “*Attard*’s Φ . . . ‘indicates an overall confidence that the vehicle 101 can and/or should be operated autonomously.’” Petition at 31 (quoting EX1004 at 5:54–62, 1:44–50). *Scofield*’s driving condition is “a driving condition of the expressway onramp road segment [or other roadway segment] that is to be traveled by the vehicle.” *Id.* at 42 (quoting EX1022 at 3:53–56).

Scofield does teach “a complexity threshold for autonomous driving decision making functionality.” EX1022 at 4:4–7. But Petitioner ***does not allege*** that *Scofield*’s “complexity threshold” is a CPCL, nor that it is *determined using active learning data*. See Petition at 42–43. The “complexity threshold” is, therefore, irrelevant to any alleged combination or motivation to combine.

Accordingly, Petitioner fails to show how or why an ordinary artisan would have combined *Attard*’s Φ and *Scofield*’s driving condition to arrive at the claimed invention. Generic claims of improvement and hindsight-driven arguments about purported similarities between structures, like those put forth in the Petition, cannot support obviousness. See, e.g., *TQ Delta*, 942 F.3d at 1360–61.

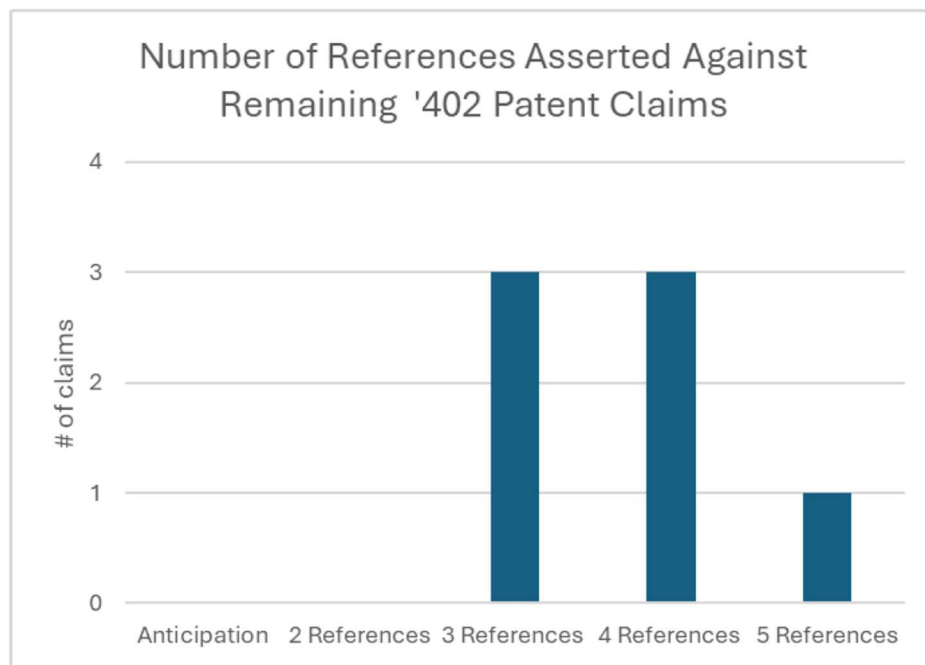
B. Petitioner Cannot Prevail on Claims 8–11 and 13 Because the Cited Art Does Not Disclose or Render Obvious the Respective Determining Limitations, Including the Claimed Use of *Weighted Voting* and *Active Learning Data*

Petitioner cannot prevail on claims 8–11 and 13 because the cited art does not disclose or render obvious all the limitations of the claims. In particular, claim 8 recites, in part, that a “computer system [of the SDV] *determines the corrective action using weighted voting, wherein a weighted voting parameter is determined based on active learning data*, said active learning data including information from other SDVs,” EX1001 at 22:66–23:3 (italics added), which Petitioner designates “8(c).” Petition at 84. Claim 9 recites similar limitations, requiring “determining whether the fault exceeds the threshold for danger comprises *weighted voting; a weighted voting parameter is determined based on active learning data*, said active learning data including information from other SDVs.” EX1001 at 23:33–37. Petitioner designated these limitations “9(e)(iv)” and “9(e)(v).” Petition at 85. Claims 10, 11, and 13 all depend from and incorporate the limitations of claim 9.

Petitioner fails to show that any of the cited art, individually or collectively, discloses or renders obvious the respective *determinations* of claims 8 and 9 *using (or comprising) weighted voting, wherein a weighted voting parameter is determined based on active learning data*, as required. First, *Grimm* does not teach *active learning data* when the plain and ordinary meaning of that term is correctly applied

because Grimm does not teach “learning.” Second, Petitioner fails to show a motivation to combine the cited references to achieve the claimed invention; indeed, the proposed combination would not even satisfy claims 8–11 or 13.

Petitioner does not allege that any one reference discloses or suggests using *weighted voting* or *active learning data* in the particular manner claimed. *See* Petition at 51–57, 60–62. Rather, each Ground in the Petition relies on a large number of references. As shown in the chart below, the Petition relies on between three and five references for each claim:



See Petition at 3; EX2013. Indeed, Petitioner relies on a three-reference combination of *Attard*, *Scofield*, and *Grimm* for a single limitation, specifically 8(c). Petition at

51–57. The Petition also admits that the “*Attard-Scofield* [combination] does not use *weighted* voting,” as required. *Id.* at 51.

Trying to cobble together teachings from three references to meet one claim element is a red flag that Petitioner is relying on hindsight-motivated reasoning. A Petition that relies on multiple references for a single limitation needs to justify its approach: why would a skilled artisan be motivated to combine so many references to capture the particular combination of features recited in the claims? Rather than face this burden head on, the Petition avoids the actual claim language and relegates the text of the challenged claims to an appendix, to which it only cites once in a footnote. *See id.* at 5 n.2, 83–88.

As discussed in detail below, the Petition fails to show the cited art teaches the limitations designated 8(c) and 9(e)(iv)–(v). Petitioner also fails to show these limitations would have been obvious over the combined teachings of the cited art.

1. *Grimm* Does Not Disclose *Active Learning Data*

First, *Grimm* does not teach or suggest basing a *weighted voting parameter* on *active learning data* because it does not disclose the *active learning data* of the claims at all. Similar to *Scofield*, there is no evidence or argument that *Grimm* discloses any “learning.” Petitioner merely relies on disclosure from *Grimm* regarding “using data from other vehicles to compute the threat level equation,” and treats this “data from

other vehicles” as “active learning data.” Petition at 52–53. This is the same incorrect and overly broad interpretation of *active learning data* that Petitioner applied regarding *Scofield*; its effect is to read the word “learning” out of the limitation. See § IV, *supra*. Because the Petition again equates any data from other SDVs with *active learning data including information from other SDVs*, the argument fails under **any** construction that gives meaning to the word “learning.”

None of the other cited passages from *Grimm* disclose any “learning” happening in connection with *Grimm*’s threat level equation calculation. *Grimm*’s disclosure is limited to vehicles sending “hazardous condition reports to the server.” EX1031 at 6:18–30. *Grimm* contemplates that the server uses this collected data to determine whether to issue warnings to other vehicles in the area, *id.* at 4:50–56, but no “learning” is contemplated. Similar to *Scofield*, *Grimm* uses data to make isolated, one-time determinations about driving conditions. *Grimm* does not teach these determinations lead to any learning or improvement of the system. Thus the cited disclosure from *Grimm* cannot constitute “active learning data.”

Petitioner relies on *Grimm* to teach claim 9’s requirement to use *active learning data*. Petition at 62. Indeed, Petitioner cross-references and incorporates the arguments for limitation 8(c) in its argument relating to the *active learning data* of limitation 9(e)(v), which is otherwise a summary of the same argument presented for

claim 8. *See id.* Claims 10, 11, and 13 all depend from and incorporate the limitations of claim 9. Because this limitation is missing, the Petition cannot prevail against any of the claims against which *Grimm* is cited (claims 8–11 and 13).

**2. None of the Cited Art Discloses or Renders Obvious
*Determining a Corrective Action Using Weighted Voting***

Petitioner fails to show that “the computer system *determines the corrective action using weighted voting, wherein a weighted voting parameter is determined based on active learning data,*” would have been obvious over the cited art. Because no single reference discloses this limitation, Petitioner must rely on a proffered combination of three different references. The Petition failed to show how or why these references would be combined to achieve the claimed invention. Indeed, the Petition’s proposed combination is self-defeating of its obviousness theory.

Even focusing only on the first part of this limitation—*determining a corrective action using weighted voting*—no single reference discloses this feature. The Petition does not even argue that *Grimm* discloses *determining a corrective action using weighted voting* but rather contends *Grimm* teaches other applications of *weighted voting*. *See* Petition at 51–53. Petitioner cites *Attard* as allegedly teaching *determining corrective actions*, but concedes that it does not disclose *using weighted voting*. *See id.* at 53 (“[I]n the combined vehicle, the *computer system determines corrective actions* (per *Attard*) *using weighted voting* (per *Grimm*).”); *id.* at 51

(relying on “*Attard’s* Φ modified by *Scofield*” for *determining a corrective action*); *see also id.* at 51 (“*Attard-Scofield* does not use *weighted voting*.”).² Petitioner therefore must prove that the combination of references would have rendered the limitation obvious, which it fails to do.

In particular, the Petition cites *Grimm’s* Equation 1 as allegedly teaching a use of *weighted voting*. *Id.* at 52 (citing EX1031 at 5:59–65). *Grimm* teaches using this equation (reproduced below) to compute a “threat level TL_i of a particular vehicle i .”

$$TL_i = \sum_{j=1}^m w_j p_j^i$$

EX1031 at 5:59–65, Eq. 1. In this equation, p_j^i represents a property of vehicle i , and w_j an associated weighting value. *Id.*; *see* Petition at 52. The Petition never explains why an ordinary artisan would have applied a technique from computing a threat level of another vehicle to modify *Attard’s* Φ computation, as Petitioner alleges. *See* Petition at 54.

² To the extent Petitioner relies on *Scofield* as part of the combination for claim 8, the *Attard-Scofield* combination also fails to teach or render obvious the *active learning data* limitations for the reasons set forth above. *See* § V.A, *supra*.

Even if there were a reason to do so, combining the references in the manner proposed would not satisfy the limitations of the claim. Petitioner contends that the proposed combination would have “yield[ed] the predictable result of Φ being computed by weighting the various inputs (e.g., [alleged] sensor determinations)” of *Attard*. Petition at 54. The combined system would thus weight *Attard*’s alleged inputs instead of *Grimm*’s (properties *p*). *Id.*

If an ordinary artisan made that substitution, as Petitioner suggests, the resulting system could not satisfy the requirement that *a weighted voting parameter is determined based on active learning data*. The Petition explicitly maps *Grimm*’s $w_j p_j^i$ to the *weighted voting parameter* and argues that “the property p_j^i is the property of another vehicle such that this parameter is *determined based on active learning data including information from other SDVs*.” *Id.* at 53. Petitioner cites no other disclosure for this claim element. *Id.* However, the Petition argues the proposed combination would use *Attard*’s inputs ***in place of*** *Grimm*’s properties *p*. *Id.* at 54. This proposed combination could not satisfy all the requirements of the claim because the alleged *weighted voting parameter based on active learning data* (*Grimm*’s *p*) would be ***replaced*** by *Attard*’s inputs which are ***not*** based on the alleged *active learning data*. Therefore, even if the references disclosed what Petitioner claims they

do, the combination still would not render claim 8 obvious because the proposed combination *removes* the alleged “active learning data.”

With respect to claim 9, the Petition relies on the same arguments for combining *Grimm* with *Attard*. Petitioner cross-references the arguments for limitation 8(c) for both limitations 9(e)(iv) and 9(e)(v). Petition at 61–62. Petitioner again argues that an ordinary artisan would have modified *Attard* in view of *Grimm* “by weighting the sensor determinations” allegedly disclosed by *Attard* (instead of *Grimm*’s properties *p*). *Id.* at 61. And Petitioner again relies entirely on *Grimm* for the requirement that *a weighted voting parameter is determined based on active learning data* without showing that *Grimm* discloses any “learning.” *Id.* at 62. Petitioner therefore fails to show that claim 9 (and its dependent claims) would have been obvious for the same reasons it failed to do so for claim 8. This constitutes an independent reason why the Petition cannot prevail against any of claims 8–11 and 13.

VI. CONCLUSION

For at least the reasons set forth herein, Patent Owner respectfully requests the Board deny the Petition and decline to institute IPR in this proceeding.

Dated: September 10, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that pursuant to 37 C.F.R. § 42.6(e), a copy of the foregoing **Patent Owner's Preliminary Response Pursuant to 37 C.F.R. § 42.107** was served to the following counsel of record for Petitioner addressed as follows:

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CERTIFICATE OF COMPLIANCE

Pursuant to 37 C.F.R. § 42.24(d), the undersigned hereby certifies that this brief complies with the type-volume limitation of 37 C.F.R. § 42.24 because this brief contains 4,977 words.

Dated: September 10, 2025

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