

From: [Director Discretionary Decision](#)
To: [Jennifer Bailey](#); [Kyle Friesen](#)
Cc: [justin.grimes@eriseip.com](#); [Gina Cremona](#); [kevin.rongish@eriseip.com](#); [adam.sandwell@eriseip.com](#); [Ashraf Fawzy](#); [Ericka Tristan](#); [Amber L. Branum](#); [Director Discretionary Decision](#)
Subject: RE: Tesla v. GVV, IPR2025-00943 & -944 - Request for Auth to File Replies to Oppositions to Discretionary Denial Briefs
Date: Tuesday, September 16, 2025 8:59:30 AM

Patent Owner is authorized to file a 5-page reply in IPR2025-00943 and IPR2025-00944, due no later than Thursday, September 18, 2025, limited to addressing the arguments raised below. Petitioner is authorized to file a 5-page sur-reply, due no later than Monday, September 22, 2025.

From: Jennifer Bailey <jennifer.bailey@eriseip.com>
Sent: Monday, September 15, 2025 4:42 PM
To: Kyle Friesen <kfriesen@hpcllp.com>
Cc: justin.grimes@eriseip.com; Gina Cremona <gcremona@tesla.com>; kevin.rongish@eriseip.com; adam.sandwell@eriseip.com; Ashraf Fawzy <afawzy@tesla.com>; Ericka Tristan <etristan@hpcllp.com>; Amber L. Branum <abranum@hpcllp.com>;
Director_Discretionary_Decision <Director_Discretionary_Decision@uspto.gov>
Subject: Re: Tesla v. GVV, IPR2025-00943 & -944 - Request for Auth to File Replies to Oppositions to Discretionary Denial Briefs

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To the Director:

Petitioner respectfully opposes Patent Owner's request for additional briefing. The Discretionary Denial panel has requested the parties in a post-grant proceeding address each of the issues raised by Patent Owner (except for Issue #5) and has further indicated discretionary denial issues should be addressed in the discretionary denial briefing and not in the Petition. See Interim Discretionary Denial Process, Section 1.B (Discretionary Considerations), Section I.C ("The petitioner and the patent owner should not present discretionary considerations in the petition or the Patent Owner Preliminary Response (POPR), respectively."). Given the Acting Director has expressly requested the Parties address all issues relevant to discretionary denial, Patent Owner should have expected that Petitioner would address these issues in its opposition brief. Patent Owner should not be entitled to present further argument responsive to issues it should have addressed in its opening brief.

In the event the Acting Director grants Patent Owner's request for a reply, Petitioner

respectfully requests a sur-reply no longer than 5 pages in length and to be filed within 3 business days of Patent Owner's reply brief.

Respectfully,

Jennifer C. Bailey
Lead Counsel for Petitioner



Jennifer Bailey(she/her)

shareholder

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On Sep 15, 2025 at 1:35:03 PM, Kyle Friesen <kfriesen@hpcllp.com> wrote:

Dear Honorable Director:

Patent Owner respectfully requests authorization to file a 5-page Reply Brief to Petitioner's Opposition to Discretionary Denial in the above-referenced proceedings. The proposed Reply Briefs would be limited to the following issues and their proper impact on the discretionary denial decision and would be identical to one another, except as to Issue No. 1:

1. Petitioner's new arguments regarding alleged errors during the original prosecution of the challenged patents;
2. Petitioner's new evidence regarding time-to-trial statistics and other predictors of trial timing, and the arguments based thereon;
3. Petitioner's mischaracterization and critical omissions regarding the state of the law as it relates to Petitioner's reliance on combinations involving large numbers of references to show obviousness;
4. Petitioner's new evidence and arguments regarding the extent of the parties' investment in discovery in the Parallel Litigation; and
5. Whether the Director is empowered to make discretionary denial decisions with or

without a decision on the merits of the Petition.

Good cause exists for this request because Petitioner presented new evidence and arguments that were not included in the Petition and could not reasonably have been foreseen at the time of Patent Owner's request for discretionary denial. In particular, Patent Owner could not have foreseen that Petitioner would mischaracterize the facts regarding file histories, time-to-trial statistics, and the state of discovery in the parallel litigation, nor that Petitioner would misstate the law applicable to the discretionary denial determination.

Patent Owner proposes a deadline for the requested Reply briefs of Friday, September 19, 2025, or three (3) business days from the date this request is granted, whichever is later. Counsel for Patent Owner contacted Petitioner's counsel about this request, and Petitioner opposes it.

Counsel for the parties will provide availability for a conference call, if the Director and/or the Discretionary Denial committee deem such a call helpful in resolving this request.

Best regards,

Kyle Friesen

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Lead Counsel for Patent Owner Granite Vehicle Ventures LLC

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