

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TESLA, INC.,
Petitioner

v.

GRANITE VEHICLE VENTURES LLC,
Patent Owner

Inter Partes Review Case No. IPR2025-00944
U.S. Patent No. 11,738,765

PETITIONER'S REPLY TO
PATENT OWNER'S PRELIMINARY RESPONSE

To circumvent the Petition’s cited prior art, the Patent Owner Preliminary Response introduces a claim construction for *active learning data* that imports the unsupported limitation that the data must be used “for learning” or “to improve in the future.” (Paper 13, 9-10). Patent Owner further restricts the claim by importing an unsupported negative limitation, arguing that data used to “make a one-time (i.e., non-learning) determination” is not *active learning data*. (Paper 13, 10-11). Even applying PO’s construction, the art teaches the remaining Challenged Claims.

The Claims do not recite “using data for learning” or “to improve in the future.” PO cites the ’765 Specification, 9:1-4 for support, but this section supports Petitioner’s proposed plain and ordinary meaning. (Paper 1, 3). The ’765 Specification describes employing “active learning” so that the system “learns from the experiences of many SDVs and drivers...” (EX1001, 9:1-4). Similarly, 14:22-31 describes learning as taking information from other SDVs. Thus, the system actively learns by taking data from, at the least, other SDVs, and then using that data for various-claimed purposes.

Patent Owner’s construction improperly imports a purpose requirement into the claims, namely that the data must be used for learning or to improve in the future. Neither of these purposes is claimed. *Toshiba Corp. v. Imation Corp.*, 681 F.3d 1358, 1369 (Fed. Cir. 2012) (rejecting district court’s construction that inserted a purpose requirement into the claimed “identifying information”). The claimed purpose for

the *active learning data* is already expressly recited in the claims, e.g., “weights are based on active learning data” (Claims 3, 5) or “determining the corrective action” (Claim 8). Patent Owner’s imported purpose is also not supported in the ’765 Specification’s single discussion on “active learning,” which describes learning from other SDVs, as opposed to using information from other SDVs to learn something, as PO contends. (EX1001, 9:1-4). This disclosure does not import some ambiguous temporal limitation, e.g., to “improve” in some indefinite time “in the future.”

Patent Owner imports a negative limitation into the claim, arguing that data used to “make a one-time (i.e., non-learning) determination” is not *active learning data*. (Paper 13, 9). This negative limitation is not in the claim language nor the ’765 Specification’s discussions of learning and is otherwise arbitrary. *See* EX1001, 9:1-4, 14:22-31. Patent Owner’s examples from the ’765 Specification of alleged one-time determination of location or an environmental report are also not germane to determining a proper construction, as neither example uses the data as claimed.

Finally, even applying Patent Owner’s construction, the Petition’s cited art teaches *active learning data*, including data from other vehicles. The Petition relied on Schunder (EX1010) for teaching *active learning data* that is specifically weather condition data from a cohort of vehicles (as compared to Attard’s teaching of vehicle-to-vehicle communications including weather data). (Paper 1, 58-59 (Claim 3(b)(ii)); EX1003, ¶¶ 204-205, 210-213 (pinpoint at ¶ 213). Contrary to PO’s

assertion (Paper 13, 14-15) that the Petition relied on Kang for teaching *active learning data*, Kang was applied for teaching the claimed *weights* with a modification to Attard that the weights are based on Schunder's active learning data. (Paper 1, 56 (MTC); EX1003, ¶¶ 193, 200, 206). Additionally, the Petition relied on Attard's teaching of an SDV and argued the obviousness of applying Schunder's weather data from multiple vehicles to Attard's SDV, such that the combination was weather data from multiple vehicles, including other SDVs. (Paper 1, 60-61; EX1003, ¶ 211). That is, the teaching of receiving data from another SDV is taught by Attard, where the modification is simply using weather data from multiple vehicles to improve the system by "avoid[ing] certain weather conditions," per Schunder. (EX1003, ¶ 209) (further illustrating Schunder's teachings compared to the '765 Patent, 9:1-5). Because Schunder teaches using weather data to improve the system, e.g., to avoid certain weather conditions or otherwise inform the driver, Schunder also teaches *active learning data* applying PO's construction. (Paper 1, 59). Regarding Gunderson (EX1012) applied for Claims 5, 20, the PO does not dispute that Gunderson teaches *active learning data* but only that it does not meet PO's imported limitation of being used for learning. (Paper 13, 17). The Petition relied on Attard's SDV (Paper 1, 69), modified to include Gunderson's data that is used to "identify trends in driving behavior that relate to risk factors," which is learning and improvement for future driving, per PO's construction. (Paper 1, 68).

Respectfully submitted,

ERISE IP, P.A.

BY: /s/ Jennifer C. Bailey
Jennifer C. Bailey, Reg. No. 52,583
Adam M. Sandwell, Reg. No. 72,484
Kevin J. Rongish, Reg. No. 78,716
Justin Grimes, Reg. No. 81,059
Erise IP, P.A.
7015 College Blvd., Suite 700
Overland Park, KS 66211
P: (913) 777-5600
F: (913) 777-5601

Gina Cremona (Reg. No. 74,844)
gcremona@tesla.com
Tesla, Inc.
1 Tesla Road
Austin, Texas 78725
Tel: 202-905-9221

COUNSEL FOR PETITIONER

CERTIFICATE OF SERVICE ON PATENT OWNER
UNDER 37 C.F.R. § 42.105

I hereby certify that a true and correct copy of the foregoing *Petitioner's Reply* to *Patent Owner's Preliminary Response* was served on September 29, 2025, by email on the following counsel of record for Petitioner:

Kyle E. Friesen (kfriesen@hpcllp.com)
Lily R. Glick (lglick@hpcllp.com)
Kyle S. Ruvolo (kruvolo@hpcllp.com)
GVVTSLA-IPR@hpcllp.com

/s/ Jennifer C. Bailey
Jennifer C. Bailey, Reg. No. 52,583

ATTORNEY FOR PETITIONER