

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TESLA, INC.
Petitioner,

v.

PERCEPTIVE AUTOMATA LLC
Patent Owner.

Case No. IPR2025-01573
Patent 10,614,344

**PETITIONER'S OPPOSITION TO PATENT OWNER'S
DISCRETIONARY DENIAL BRIEF**

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LIST OF EXHIBITS

Ex. No.	Description	New
1001	U.S. Patent No. 10,614,344 (“344 Patent”)	
1002	File history of U.S. Patent No. 10,614,344	
1003	Declaration of Dr. Jason Janét	
1004	U.S. Patent No. 10,496,091 (“Ross”)	
1005	International Publication No. WO2014/210334 (“Cox”)	
1006	U.S. Patent Application Publication No. 2019/0072966 (“Zhang”)	
1007	U.S. Provisional Application 62/528,771	
1008	File history of U.S. Patent No. 10,402,687	
1009	U.S. Patent Application Publication No. 2016/0162456 (“Munro”)	
1010	U.S. Patent No. 10,733,506 (“Ogale”)	
1011	Complaint in Perceptive Automata LLC v. Tesla, Inc., Case No. 2:25-cv-00742 (E.D. Tex. filed July 23, 2025)	
1012	CV of Dr. Jason Janét	
1013	Tesla <i>Sotera-Plus</i> Stipulation	
1014	Personal Website of Dr. Samuel English Anthony (Link)	X
1015	Patent Owner Voluntary Dismissal – EXTX-2:25-cv-00742 (filed December 29, 2025)	X
1016	Patent Owner Complaint – WDTX-7:25-cv-00594 (filed December 29, 2025)	X
1017	Motion to Stay – WDTX-7:25-cv-00594 (filed January 6, 2025)	X
1018	Docket Navigator – Judge David Counts Statistics	X
1019	Docket Navigator – Time to Trial Statistics for WDTX	X
1020	Tesla Renewed <i>Sotera-Plus</i> Stipulation for WDTX	X
1021	Docket – WDTX-7:25-cv-00594	X

I. INTRODUCTION

There is no basis to deny institution of this IPR. To the contrary, multiple material errors necessitate review, Patent Owner does not have any settled expectations given the recent issuance of the challenged patent, and there is no scheduled trial date in a parallel litigation.

The IPR filed by Petitioner Tesla, Inc. represents the Patent Office's first opportunity to address prior art *of a named inventor* that was never submitted or considered during prosecution. See EX1005 (cover, listing inventor Samuel Anthony). As a matter of fairness and a clear example of prosecution error, a patent owner should not be allowed to withhold its own relevant prior art from the examiner during the examination of a patent application, and then argue that "settled expectations" or any other discretionary factors prohibit the Patent Office from later considering the withheld prior art during an IPR proceeding.

Moreover, the challenged patent (U.S. Patent No. 10,614,344) issued on April 7, 2020 — less than five years and five months before this IPR was filed. Patents that have been in force for less than six years "have not been in force for a significant period of time [. . .], and, accordingly, Patent Owner has not developed strong settled expectations that favor discretionary denial[.]" *Cambridge Ind. USA, Inc. v. Applied Optoelectronics, Inc.*, IPR2025-00436, Paper 11 at 2–3 (Acting Director June 26,

2025) (declining discretionary denial for patents in force for five years and four months, five years and six months, and four years and three months).

As for *Fintiv* considerations, every argument made by Patent Owner Perceptive Automata LLC must be disregarded because, after submitting its discretionary denial brief, Perceptive ***voluntarily dismissed*** the Eastern District of Texas case against Tesla. As such, there is currently no district court trial scheduled in any court. And although Perceptive filed a new case in the Western District of Texas against Tesla, this new case — filed months after this IPR — is no reason to deny institution. Tesla’s IPR is now the first-filed and still-pending action on the ’344 Patent, and any Final Written Decision in this proceeding will likely occur ***years prior*** to a potential trial in the district court. As such, there is no risk of contradictory outcomes and minimal risk of duplicative effort. The most efficient use of resources would be a review of this petition on the merits.

Lastly, a defect in the priority claim for the ’344 Patent further weighs against discretionary denial. The provisional application filed on July 5, 2017, is merely a conceptual slide deck, with no disclosures relating to the specific claimed solutions in the ’344 Patent. This mistaken priority claim by the applicant is another reason why Tesla’s IPR against the ’344 Patent is an appropriate use of the Board’s resources.

II. FACTUAL BACKGROUND

A. The Challenged Patent

The Challenged Patent, U.S. Patent No. 10,614,344 (“the ’344 Patent”), is a continuation of a non-provisional application filed on December 4, 2017 by three inventors: Samuel Anthony, Kshiti Misra, and Avery Faller. The ’344 Patent generally relates to (1) training a machine learning model using human labeled training data and (2) applying the trained model to new input data to generate an output that replicates how humans would have labeled the new input data. *See, e.g.*, EX1001, 13:30-14:9.

The ’344 Patent claims priority to U.S. Provisional Patent Application No. 62/528,771 (“the ’771 Provisional”), filed on July 5, 2017. However, the ’771 Provisional includes little substance, consisting of PowerPoint slides of low-resolution video screenshots with no descriptive context or support for the claim limitations of the ’344 Patent. *See, e.g.*, EX1007, 16-22.

B. The Undisclosed Cox Application

Grounds 1 and 2 of this IPR rely on International Publication No. WO2014/210334 to Cox et al. (“Cox”). Cox lists Samuel Anthony as an inventor. Dr. Anthony is also a named inventor on the ’344 Patent, and Cox describes the same methods of training a predictive machine learning model as are disclosed and claimed in the ’344 Patent. *Compare* EX1005, ¶0004 (“[C]lassification module 185

is utilized to make predictions . . . that are more consistent with the decisions of the human annotators.”) with EX1001, 13:30-14:9 (explaining how a machine learning model trained by human labeled training data “predicts how a human would have labeled the input sensor data.”). Cox published on December 31, 2014, years before the claimed 2017 priority date of the ’344 Patent. As explained in the Petition, the disclosure in Cox is directly relevant to, *inter alia*, claim element 1[b], which includes “predicting an output statistical summary characterizing a distribution of user responses expected to be received responsive to presenting the sensor data to a plurality of users, the user responses associated with the particular object.” Paper 1 at 30-32. Nonetheless, Cox was never submitted to the Patent Office during prosecution of the ’344 Patent.

Cox appears to be based on Dr. Anthony’s work at the Harvard Vision Sciences Lab during Dr. Cox’s pursuit of a PhD. *See* EX1014, 1-2. Notably, Dr. Anthony’s personal website admits that there is ***a direct link*** between this prior work (reflected in Cox) and the ’344 Patent, stating that ***this “PhD work was at the heart of the technology we built at Perceptive Automata.”*** *Id.*, 1. However, despite recognizing the disclosure of Cox as the “heart” of Perceptive Automata’s technology, the inventors failed to disclose this material prior art to the Patent Office. The Patent Office therefore never had an opportunity to consider Cox until Tesla filed this IPR.

C. The Parallel District Court Actions

Perceptive originally filed a complaint for patent infringement against Tesla in the U.S. District Court for the Eastern District of Texas on July 23, 2025, asserting the '344 Patent and four other patents. *See* EX1011. In response, in a little more than two months, Tesla promptly filed this IPR on September 30, 2025, and four other IPRs for each remaining asserted patent between September 30 and October 10, 2025.

Challenged Patent	IPR
U.S. Patent No. 10,614,344	IPR2025-01573
U.S. Patent No. 11,126,889	IPR2025-01574
U.S. Patent No. 11,753,046	IPR2025-01575
U.S. Patent No. 11,467,579	IPR2025-01576
U.S. Patent No. 11,520,346	IPR2025-01577

Because Tesla wasted no time getting these IPRs on file, any Final Written Decisions on these IPRs had been expected before the now-vacated trial date in the Eastern District of Texas.

Despite featuring prominently in Perceptive's Discretionary Denial Brief, the Eastern District of Texas litigation is no longer relevant.¹ On December 29, 2025,

¹ While now moot because of the dismissal, Tesla maintains that the *Fintiv* factors would still have favored institution, even if Perceptive had not dismissed the

Perceptive voluntarily dismissed all claims in the Eastern District of Texas. EX1015. That same day, Perceptive filed a new complaint in the Western District of Texas. EX1016. Tesla's response to the Western District of Texas Complaint is due January 20, and the only activity in that case to date has been Tesla filing a motion to stay the case pending its IPRs. EX1017.

III. THIS IPR GIVES THE PTAB A CHANCE TO CONSIDER COX

The Patent Office has an interest in rectifying material errors made during patent prosecution. *See Anthony Inc. v. ControlTec, LLC*, IPR2025-00559 and IPR2025-00636, Paper 9 (PTAB July 16, 2025). Here, there was a material error (or misconduct) *by the applicant* during prosecution: the applicant should have disclosed Cox, which was plainly known to the inventor which the inventor admitted goes to “the heart” of the claimed inventions. *See* EX1014, 1. Because the Cox reference was withheld, the original prosecution rested on an incomplete record, and this IPR represents the first opportunity for the Patent Office to consider Cox. Discretionary denial is therefore inappropriate. Instituting the IPR will allow the Board to efficiently address a critical gap in the original prosecution history for the benefit of Tesla, Perceptive, and the public.

Eastern District of Texas case. In particular, the Eastern District of Texas case was still in its early stages, with only limited discovery and no substantive rulings.

Relatedly, a patent owner such as Perceptive should not be permitted to rely on “settled expectations” for a patent when the applicant and the inventors should have, but did not, submit a critical prior art reference of an inventor. The applicant and the inventors should have disclosed Cox — the inventor’s own prior art — to the Patent Office during prosecution. Because Cox was not provided during prosecution, Perceptive cannot complain now that the Patent Office is going to consider that withheld reference. The Patent Office should have considered Cox before granting the ’344 Patent, and Tesla’s IPR now gives the Patent Office a chance to fulfill that responsibility.

IV. NO SETTLED EXPECTATIONS SUPPORT DENIAL

Even apart from the applicant’s failure to disclose Cox, there are no settled expectations that would support discretionary denial because the ’344 Patent was issued less than six years ago in 2020. Instead, “early challenges,” like Tesla’s, “favor robust, predictable patent rights and weigh against discretionary denial.” *MIM Software Inc. v. Progenics Pharms., Inc.*, IPR2025-00630, Paper 13 at 2 (Acting Director July 24, 2025). Prior Discretionary Denial decisions confirm that settled expectations do not support discretionary denial for patents issued less than six years prior to the filing of an IPR petition. *See Cambridge Ind. USA, Inc. v. Applied Optoelectronics, Inc.*, IPR2025-00436, Paper 10 at 2–3 (Acting Director June 26, 2025) (no settled expectations for patents issued in 2019 and 2020); *Google LLC v.*

Withrow Networks Inc., IPR2025-00775, Paper 10 at 2 (Acting Deputy Chief APJ August 14, 2025) (no settled expectations for patent issued in 2020); *Microsoft Corp. v. Edge Networking Sys., LLC*, IPR2025-00617, Paper 12 at 2 (Acting Director July 31, 2025) (no settled expectations for patents that issued between 2020 and 2023).

Despite the weight of precedent against finding settled expectations for patents that have been in force for similar periods of time, Perceptive argues that settled expectations would apply, if measured from the institution decision in April 2026. Paper 7 at 7. But Perceptive cites no decision (and Tesla is aware of no decisions) using a date in the future to measure settled expectations. Focusing on April 2026 also does not meaningfully change the analysis. Perceptive appears to misinterpret the reference to the six-year window for patent damages in *Dabico Airport Sols. v. AXA Power ApS*, IPR2025-00408, Paper 21 at 2-3 (Acting Director June 18, 2025). But *Dabico* does not say that a patent achieves settled expectations at exactly six years; to the contrary, the Acting Director specifically stated that “there is no bright-line rule on when expectations become settled.” *Id.*, 3. And the specific patent at issue in *Dabico* was substantially older than the ’344 Patent, having issued in 2017—almost eight years before the *Dabico* IPR was filed. *Id.* Thus, *Dabico* does not help Perceptive, and, regardless of how the settled expectations period is calculated, none have accrued.

To create an atmosphere of “settled expectations,” Perceptive also focuses on “the nearly four years” since the ’344 Patent was disclosed on an IDS during the prosecution of one of Tesla’s unrelated patent applications.² But four years is not sufficient time to create settled expectations, as discussed above, regardless of any alleged notice. Perceptive again cites no prior decisions finding settled expectations based on alleged notice so recently, and other cases have found recent notice of a patent family insufficient. For example, in *POSCO Co. Ltd. v. ArcelorMittal*, a petitioner had previously litigated the validity of a related patent in another IPR that concluded four years earlier, and the Acting Director still found that arguments about settled expectations “tip the balance *against* discretionary denial.” IPR2025-00370, 00371, Paper 10 at 2-3 (Acting Director June 25, 2025) (emphasis added). The

² Moreover, citations to the ’344 Patent during prosecution do not constitute notice. See *DermaFocus LLC v. Ulthera, Inc.*, 201 F. Supp. 3d 465, 471 (D. Del. 2016) (finding “no plausible inference” of knowledge based on citation in IDS). Nor does Perceptive argue that it relied on (or was even aware of) the prosecution citations to the ’344 Patent. The number of times that the ’344 Patent was cited in an IDS is also immaterial. As reflected in EX2001 through EX2020, to comply with its duty of candor, Tesla submitted a nearly identical IDS for each Tesla patent application, each IDS listing several hundred references.

timeline from *POSCO* is much closer to the present case, and thus more informative than the *iRhythm* decision cited by Perceptive, which involved a citation to a patent more than ten years earlier. *iRhythm Techs., Inc. v. Welch Allyn, Inc.*, IPR2025-00363, Paper 10 at 3 (Acting Director June 6, 2025). If directly challenging a related patent in *POSCO* does not trigger settled expectations, then certainly Tesla's IDS citation does not trigger settled expectations in this case.

V. THE FINTIV FACTORS FAVOR INSTITUTION

Because the prior litigation from the Eastern District of Texas has been dismissed, all of Perceptive's prior arguments about *Fintiv* and the Eastern District of Texas litigation are irrelevant and moot. The only case between the parties now is a newly-filed case in the Western District of Texas, which has no trial date, no schedule, no infringement contentions, and no discovery to date. As such, the *Fintiv* analysis now strongly supports institution. Indeed, Tesla is unaware of any decision discretionarily denying institution of an IPR based on a lawsuit filed months *after* an IPR petition.

A. Factor 1 (Stay of Litigation)

Due to the close proximity between the filing of the Western District of Texas litigation and this brief, Tesla has only recently filed a motion to stay on January 5, 2026. EX1017. There is an increased likelihood that the parallel district court action will be stayed given the unique circumstances of this case and that Tesla filed its

motion to stay promptly after Perceptive filed its complaint in the Western District of Texas. Indeed, the case is in its infancy, there has yet to even be a case management conference, and this IPR if instituted will likely simplify issues for the trial since it challenges all claims. The analysis presented by Perceptive for this factor is now void because it focuses on the Eastern District of Texas litigation, which Perceptive voluntarily dismissed. As such, this factor should be considered to weigh in favor of institution or, at most, be neutral.

B. Factor 2 (Proximity of District Court Trial Date)

This factor weighs heavily in favor of institution because there is no trial date set for the newly-filed Western District of Texas litigation. *See Mercedes-Benz Group AG, v. The Phelan Group, LLC*, IPR2025-00413, Paper 13 at 2 (Acting Director June 25, 2023) (holding that discretionary denial was not appropriate because there was “no scheduled trial date in the district court proceeding.”). Perceptive’s arguments related to this factor are now entirely moot as Perceptive voluntarily dismissed the Eastern District of Texas litigation on December 29, 2025.

In addition, there are no available time to trial statistics for the judge now assigned to the Western District of Texas: Judge Counts has *never* had a patent case go to trial. EX1018. But even using the fastest time to trial in the Western District of Texas over the past year (39 months) would not result in a trial date close to the anticipated Final Written Decision date, which is in April 2027. *See* EX1019. For

a case filed in December 2025, that would put trial at March 2029—almost two years after the anticipated Final Written Decision date. So, even if Judge Counts moves this case to trial as fast as any case in the Western District of Texas over the last year, trial would still be years after a Final Written Decision in this IPR. Thus, there is no risk of conflicting rulings, and this proceeding is the most efficient way for the parties to adjudicate patentability. This factor strongly favors institution.

C. Factor 3 (Investment in Parallel Proceeding)

The parties have made almost zero investment in the new Western District of Texas litigation. Tesla has not responded to the Complaint, no discovery has taken place, and the court has not issued a scheduling order or substantive order related to the '344 Patent. EX1021. In fact, the only activity in this case to date is the filing of Tesla's Motion to Stay, pending its IPRs. Therefore, there is no risk of "duplicative costs" in instituting this IPR because minimal resources have been invested in the parallel proceeding. *See Apple Inc., v. Fintiv, Inc.*, IPR2020-00019, Paper 11 at 9–11. Moreover, it would be illogical for Perceptive to complain about parallel burden from the Western District of Texas case, which Perceptive filed *after* Tesla filed this IPR. If Perceptive did not want to engage in a parallel proceeding, then Perceptive should not have filed the Western District of Texas case (or Perceptive could simply agree to Tesla's Motion to Stay).

All of Perceptive’s arguments about investment in the Eastern District of Texas are now moot because that case has been dismissed. But even considering the activity in the Eastern District of Texas, this factor still favors institution. Because Tesla moved so quickly to file its IPRs, the parties had minimal investment in the Eastern District of Texas case, and the Court did not issue any substantive orders related to the ’344 Patent. Indeed, Tesla filed its Petition just 69 days after the filing of the original complaint in the Eastern District of Texas case (July 23, 2025), and on the same day that Perceptive served its infringement contentions. Tesla’s exceptionally prompt action weighs in favor of institution. IPR2020-00019, Paper 11 at 11 (“If the evidence shows that the petitioner filed the petition expeditiously, such as promptly after becoming aware of the claims being asserted, this fact has weighed against exercising the authority to deny institution.”); *see also Savant Tech. LLC v. Feit Elec. Co., Inc.*, IPR2025-00260, Paper 16 at 3 (Acting Director June 12, 2025) (no discretionary denial where “Petitioners acted diligently in filing this Petition less than three months after Patent Owner asserted claims 11 and 12 in district court.”).

D. Factor 4 (Overlap with Parallel Proceeding)

Tesla has filed a *Sotera-Plus* stipulation tailored to ensure that the IPR “would be a ‘true alternative’ to the district court proceeding” regarding invalidity under 35 U.S.C. §§102 and 103. EX1020. *See Motorola Sols., Inc. v. Stellar, LLC*, IPR2024-

01205, Paper 19 at 3–4 (Acting Director Mar. 28, 2025). In *Motorola*, the Director vacated the Board’s decision granting institution despite the petitioner’s *Sotera* stipulation because the petitioner’s invalidity arguments in the district court included combinations of the prior art asserted in the IPR with unpublished system art. *Id.* Here, Tesla’s *Sotera-Plus* stipulation mitigates any such concern of duplication. In this way, Perceptive’s reliance on *Motorola* is misguided. Paper 7 at 13. Tesla’s *Sotera-Plus* stipulation avoids the exact scenario contemplated in the *Motorola* decision.

Indeed, the Director has previously found that stipulations similar to those filed by Tesla strongly favor institution. *Samsung Elecs. Co. v. Wilus Inst. of Standards & Tech. Inc.*, IPR2025-00933, Paper 11 at 3 (Acting Director Oct. 10, 2025) (noting for a nearly identical stipulation that “Petitioner has filed a broad stipulation that reduces the concern of inconsistent outcomes or significant duplication of efforts.”); *Tesla, Inc. v. Intellectual Ventures II LLC*, IPR2025-00217, Paper 9 at 2 (Acting Director June 13, 2025); *Shenzhen Tuozhu Tech Co. v. Stratasy, Inc.*, IPR2025-00438, Paper 10 at 3 (Acting Director July 17, 2025). This factor thus weighs in favor of institution.

Perceptive also argues that Tesla’s stipulations are insufficient because they do not include Tesla’s inequitable conduct claim. Paper 7 at 13-14. This position misunderstands the purpose of the stipulation, as inequitable conduct is not an issue

that can be adjudicated by the PTAB. It is also startling for Perceptive to suggest that misconduct by the named inventors — withholding relevant prior art from the Patent Office — is a basis for penalizing *Tesla*. Tesla’s IPRs should not be denied because of wrongdoing by the applicant.

E. Factor 5 (Identity of the Parties)

Tesla does not dispute that it is the defendant in the newly-filed Western District of Texas case. However, this factor has been historically viewed as neutral, or at worst, only “slightly” favoring denying institutions when petitioner and defendant are the same party. *See Liberty Energy Servs. LLC, v. U.S. Well Servs., LLC*, IPR2025-00139 Paper 14 at 14 (P.T.A.B. June 11, 2025) (weighing factor 5 “slightly in favor of denying institution”); *Innolux Corp., v. Phenix Longhorn LLC*, IPR2025-00043 Paper 10 at 13 (P.T.A.B. May 15, 2025) (weighing factor 5 as “neutral”).

F. Factor 6 (Other Circumstances)

No other factors warrant discretionary denial. Each of Perceptive’s flawed arguments under this factor are addressed below. *Contra* Paper 7 at 14-17

Settled expectations: As explained above, the ’344 Patent issued too recently for Perceptive to rely on settled expectations.

Strength of merits: Perceptive does not make any specific arguments about the merits of the Petition. However, Tesla submits that the merits are particularly strong

including because, as described above, the Petition asserts two grounds using the Cox reference that the inventor himself has stated is “at the heart of the technology we built at Perceptive Automata.” EX1014.

Use of expert testimony: Perceptive incorrectly states that Tesla relies on expert testimony to “plug holes” that are allegedly not disclosed in the references. Paper 7 at 15. To the contrary, the Petition uses expert testimony to simply explain the knowledge of a person of ordinary skill in the art at the time and to clarify the relationship between well-known concepts recited in the art and the language used in the claims of the ’344 Patent. Indeed, in the examples cited by Perceptive, the Petition first points to the specific recitation in the prior art that meets the limitation, then provides further clarity from the expert. *See id.* The Board has previously applauded this type of thorough expert testimony, grounded in objective evidence. *Tesla, Inc. v. Charge Fusion Techs., LLC*, IPR2025-00032, Paper 11 at 39 (PTAB May 19, 2025). It is also irrelevant that the term “POSITA” appears 24 times in the Petition; obviousness is always evaluated from the perspective of a POSITA.

Claim construction: Perceptive does not make any specific arguments about how Tesla’s claim construction positions might warrant discretionary denial. And contrary to Perceptive’s vague assertions, Tesla’s claim construction positions have remained consistent. *Contra* Paper 7, 16-17.

VI. THE '771 PROVISIONAL DOES NOT SUPPORT THE '344 PATENT

Additionally, this IPR is an appropriate use of Office resources because the Office erred in giving the '344 Patent priority to the '771 Provisional. *See Padagis US LLC, v. Neurelis, Inc.*, IPR2025-00465, Paper 12 at 2–3 (Acting Director July 16, 2025). In *Padagis*, the Acting Director found that the petitioner's arguments about whether certain claims were entitled to the priority date of a provisional application supported institution. *Id.* at 2-3. Specifically, the Examiner's incorrect conclusion "raise[d] concerns of material error such that the review of the challenged patents is an appropriate use of Office Resources." *Id.* (citing *Advanced Bionics, LLC v. MED-EL Elektromedizinische Geräte GmbH*, IPR2019-01469, Paper 6 at 8 (PTAB Feb. 13, 2020)).

Here, Tesla's Ground 3 relies on U.S. Patent Application Publication No. 2019/0072966 ("Zhang") (EX1006), filed November 7, 2017. In order to evaluate this Ground, the Board will need to determine whether the '344 Patent is in fact entitled to the priority date for the '771 Provisional.

As explained in the Petition, Tesla maintains that the '344 Patent is not supported by the '771 Provisional. The '771 Provisional includes only low-resolution PowerPoint slides. Two exemplary slides showing the lack of any substantive disclosure in the '771 Provisional are below:

Theory of mind on the road — google example



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Attorney Docket No.: 210871.00121US1

EX1007, 25

Negotiating with humans is the single largest and most complicated activity while driving...



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Attorney Docket No.: 210871.00121US1



EX1007, 28

Notably, the slides in the '771 Provisional are all conceptual. None describe the claimed “*supervised learning based model*,” much less the specific claimed features such as “*predicting an output statistical summary characterizing a distribution of user responses*.” Therefore, the Examiner’s determination that the claims of the '344 Patent are entitled to the priority date of the '771 Provisional constitutes material error, making this IPR an appropriate use of Office resources. *See Padagis*, IPR2025-00465, Paper 12 at 2–3; *see also SAP America, Inc. v. Pi-Net International, Inc.*, IPR2014-00414, Paper 11 at 11-16 (P.T.A.B. Aug. 18, 2014). Indeed, it is in the public interest for the '344 Patent’s priority date to be corrected.

VII. CONCLUSION

For the above reasons, Tesla respectfully requests that the Director deny Perceptive’s request for discretionary denial, and institute this IPR.

Respectfully Submitted,

Date: January 8, 2026

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**CERTIFICATE OF COMPLIANCE WITH PAGE LIMITATION,
TYPEFACE REQUIREMENTS, AND TYPE STYLE REQUIREMENTS**

1. This Brief complies with the 20-page limit, excluding the parts exempted by 37 C.F.R. § 42.24(a).

2. This Petition complies with the general format requirements of 37 C.F.R. § 42.6(a) and has been prepared using Microsoft® Word in 14-point Times New Roman.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that on January 8, 2026, a complete and entire copy of the **PETITIONER'S OPPOSITION TO PATENT OWNER'S DISCRETIONARY DENIAL BRIEF**, including exhibits, were served on Patent Owner electronically via email on the following counsel of record for Patent Owner:

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