IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

PERCEPTIVE AUTOMATA LLC, *Plaintiff*, v. TESLA INC., *Defendant*.	Case No. 2:25-cv-000742-JRG JURY TRIAL DEMANDED

DEFENDANT'S REPLY IN SUPPORT OF ITS MOTION TO STAY

Although Perceptive's Opposition (Dkt. No. 50, "Opp'n") emphasizes this Court's general practice for typical IPRs, Perceptive ignores features of this case that favor a stay. Even though courts in this District do not typically enter a stay pending institution of IPRs, Tesla respectfully submits that this case is an exception that warrants a stay. Specifically, Tesla filed IPRs challenging every single asserted claim before Tesla's deadline to respond to the Complaint. Tesla respectfully submits that this remarkably early action by Tesla tips the balance in favor of a stay.

A. Perceptive Will Not Suffer Undue Prejudice From a Stay

Tesla does not contest that a patent owner has an interest in enforcing its patent rights, but that generic interest alone should not be sufficient to deny a stay. Here, the only harm that Perceptive faces is the delay in recovering money damages, and the "delay in collecting those damages does not constitute undue prejudice." *Cellular Commc'cns Equip., LLC v. Samsung Elecs. Co., Ltd.*, No. 6:14-cv-759, 2015 WL 11143485, at *2 (E.D. Tex. Dec. 16, 2015) (internal quotation omitted).

Perceptive's examples of instances where prejudice was found leave out facts that distinguish this case. For example, in *3rd Eye Surveillance, LLC*, the court found prejudice primarily because the parties were direct competitors. Opp'n, 3; *3rd Eye Surveillance, LLC v. Stealth Monitoring, Inc.*, No. 6:14-cv-162, 2015 WL 179000, at *2 (E.D. Tex. Jan. 14, 2015) ("The delay caused by a stay is especially burdensome where, like here, the parties are competitors in the marketplace."). The case Perceptive points to assert that non-practicing entities may be prejudiced by a stay (*Rembrandt Wireless*) involved a case had progressed much farther along before the motion to stay was filed. Opp'n 3; *see Rembrandt Wireless Techs., LP v. Samsung Elecs. Co.*, No. 2:13-cv-213, 2015 WL 627887, at *2 (E.D. Tex. Jan. 29, 2015). In *Saxon Innovations*, the court recognized that the ITC determinations for which a stay was sought did not bind the court and

arguments regarding one asserted patent would not be considered by the ITC. *Saxon Innovations, LLC v. Palm, Inc.*, No. 6:09-cv-272, 2009 WL 3755041, at *2 (E.D. Tex. Nov. 4, 2009).

Perceptive basis its prejudice arguments on the latest possible date for a Final Written Decision, including an unusual "good cause" extension of the typical timeline. Opp'n, 3. But rather than focusing on the potential timeline for a full IPR and appeal now, a more apt consideration is the progress that would occur in this case before an institution decision. Because Tesla filed its IPRs so early in time, an institution decision is expected in April 2026, several months before the scheduled Markman Hearing in this case (November 12, 2026), and even months before the first claim construction exchange (July 9, 2026). *See* Dkt. 52, 4-5. If institution is denied in April, the potential prejudice to Perceptive would be a slight delay in discovery, and the parties could resume this case with only minor adjustments to the schedule.

Perceptive's assertion that "a stay risks the loss of testimonial and documentary evidence potentially valuable to Perceptive's case" does not come with any explanation or evidence. Opp'n, 4. In the case cited by Perceptive, the non-movant provided more details, including the fact that one of the inventors had died in the previous few years and that fifteen years had already lapsed since the relevant development activities at issue in the case. *Allvoice Devs. US, LLC v. Microsoft Corp.*, No. 6:09-cv-366, Dkt No. 60 (Pl.'s R. to Def.'s Mot. to Stay) at para. 14, 26 (E.D. Tex. Apr. 9, 2010). Here, Perceptive has not suggested that there is anything special about this case or its potential witnesses that warrant special urgency.

B. Tesla Filed Its Motion to Stay Before Responding to the Complaint

Because Tesla moved for a stay at the beginning of this case (and before Tesla responded to the Complaint), Perceptive's argument that Tesla's motion was filed "far enough along, however, that a stay would disrupt the currently underway and ongoing activities" is not entitled to significant weight. Opp'n, 5. The only activity that Perceptive identifies is a motion to dismiss, which Tesla

filed *after* moving to stay. *Id*. The stage of the litigation is evaluated at the time Tesla filed its motion, not afterwards. *See Headwater Rsch. LLC v. Samsung Elecs. Co*., No. 2:23-cv-00103-JRG-RSP, 2024 WL 5080240, at *2 (E.D. Tex. Dec. 11, 2024) ("Usually, the Court evaluates the stage of the case as of the time the motion was filed.") (internal citations omitted).

Perceptive does not cite to a case in support of its argument that the stage of the proceedings — *i.e.*, the filing of IPRs challenging every claim before Tesla responded to the Complaint — weighs against a stay. Indeed, this court has granted stays at later stages of a case. *See e.g.*, *Customedia Techs., LLC v. DISH Network Corp.,* No. 2:16-cv-129-JRG, 2017 WL 3836123, at *1–2 (E.D. Tex. Aug. 9, 2017) (granting renewed motion to stay, originally filed after the claim construction order).

C. Tesla's IPR Could Resolve This Proceeding

Tesla recognizes that this Court typically finds pre-institution arguments about potential simplification to be uncertain. Tesla respectfully submits that this uncertainty regarding institution is outweighed by the early stage of the case and the lack of particularized prejudice to Perceptive. Moreover, Perceptive's argument about Tesla's *Sotera* Plus stipulation is misguided; Tesla's *Sotera* Plus stipulation does not give Tesla "a second bite at the §§ 102/103 invalidity apple" after completed IPRs. Opp'n, 7. Tesla's stipulation only reduces the invalidity arguments that Tesla may present in parallel to instituted IPRs, *without* a stay. The stipulation does not change how the completed IPRs could simplify the case, *during* a stay. After completion of the IPRs, if Perceptive prevails on the merits, then Tesla would be subject to statutory IPR estoppel and the commitments in its stipulation. And if Tesla prevails on the IPRs, then the case would be mooted.

D. Conclusion

Tesla filed this motion to stay shortly after filing IPR petitions challenging all the asserted claims and before the deadline to respond to Perceptive's Complaint. These early IPRs are an

opportunity for the parties and the Court to reduce the potentially redundant work on a case. Although the IPRs have not yet been instituted, the IPRs have the potential to moot some or all of the issues in this case. And Tesla respectfully submits that the early stage of the case and the lack of particularized prejudice to Perceptive outweighs the uncertainty from the IPRs not being instituted. For the foregoing reasons and as presented in its initial briefing, Tesla submits that good cause exists for staying this lawsuit pending the outcome of all IPR proceedings.

Dated: November 21, 2025

Respectfully submitted,

/s/ Roger Fulghum

Roger Fulghum
Baker Botts LLP
State of Texas Bar No. 00790724
910 Louisiana Street
Houston, Texas 77002
Telephone: 713.229.1707
Facsimile: 713.229.2707
Email: roger.fulghum@bakerbotts.com

Mark Speegle
Baker Botts LLP
State of Texas Bar No. 24117198
401 South First Street, Suite 1300
Austin, Texas 78704
Telephone: (512) 322-2536
Facsimile: (512) 322-3636
Email: mark.speegle@bakerbotts.com

Helen Trac
California Bar No. 285824
Tesla, Inc.
1501 Page Mill, Building 6
Palo Alto, CA 94304
Telephone: 628-218-1429
Email: htrac@tesla.com

Ashraf Fawzy
DC Bar No. 989132
Telephone: (202) 905-9221
Email: afawzy@tesla.com
Paul Margulies
DC Bar No. 1000297
Telephone: (202) 695-5388
Email: pmargulies@tesla.com
Tesla, Inc.
800 Connecticut Ave. NW
Washington, DC 20006

Counsel for Tesla, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system on November 21, 2025.

/s/ Roger Fulghum
Roger Fulghum