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November 18, 2025

Via E-Mail

Roger Fulghum
Baker Botts LLP
910 Louisiana St.
Houston, TX 77002
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Re: ***Perceptive Automata LLC v. Tesla, Inc.,***
No. 2:25-cv-00742-JRG **(E.D. Tex.)**

Dear Roger:

This letter concerns Defendant Tesla, Inc.'s ("Tesla") discovery obligations. Independent of this letter, Tesla has an obligation under the Court's Discovery Order (Dkt. 42), and consistent with Fed. R. Civ. P. 26 and Local Rule CV-26(d), to produce "all documents, electronically stored information, and tangible things in the possession, custody, or control of the party that are relevant to the pleaded claims or defenses involved in this action, except to the extent these disclosures are affected by the time limits set forth in the Patent Rules for the Eastern District of Texas" without formal document requests.

Plaintiff Perceptive Automata LLC ("Perceptive") provides herein a non-exhaustive list of relevant categories of documents and information. This letter adopts the definitions found in Perceptive's First Set of Interrogatories to Tesla. Perceptive expects Tesla's production to comply with the Court's Discovery Order, Fed. R. Civ. P. 26, and Local Rule CV-26(d) regardless of whether such a document with relevant information is specifically listed below.

1. All Documents and things related to the design, development, testing, manufacturing, and/or technical operation of the Accused Products and the features identified in Perceptive's infringement contentions, Including but not limited to, technical manuals, operating manuals, technical specifications, circuit diagrams, design drawings, source code, product proposals, functional requirements, design requirements, technical reports, laboratory or engineering notes, meeting minutes, schematics, flow charts, and bills of materials.

2. All Documents and things describing how the Accused Products capture and receive images and/or videos and/or sensor data and/or other data for use in the features identified in Perceptive's complaint and/or Perceptive's infringement contentions.

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3. All Documents and things describing how, why, and where the Tesla vehicles transmit, directly or indirectly, images and/or videos and/or sensor data and/or other data used to train the FSD software.

4. All Documents and things describing how, why, and where Tesla receives images and/or videos and/or sensor data and/or other data used to train the FSD software.

5. All Documents and things describing how, why, and where Tesla's labelers (human labelers and/or autolabelers) receive and label images and/or videos and/or sensor data and how, why and where that label data is transmitted to, and the types of information that can be applied by labelers (human labelers and/or autolabelers)

6. Documents and things sufficient to demonstrate any and all differences between the Accused Products (including any differences between FSD software and/or hardware) with respect to the features identified in Plaintiff's complaints and/or Plaintiff's infringement contentions.

7. Documents and things sufficient to demonstrate any and all differences between the functionality and/or source code for training each of the different FSD software versions with respect to the features identified in Plaintiff's complaints and/or Plaintiff's infringement contentions.

8. All Documents and things relating or referring to how and why Tesla and/or the Accused Products (a) predict the behavior and/or movement of objects associated with an image and/or video and/or sensor data; (b) train each of their FSD models to predict the behavior and/or movement of objects associated with an image and/or video and/or sensor data, and/or (c) predict the behavior and/or movement of objects near a Tesla vehicle, where such objects include, but are not limited to, vehicles, pedestrians, bicyclists, drivers.

9. All documents and things relating or referring to training each version of FSD that relate or refer, directly or indirectly, to the accused features.

10. All documents and things that describe the inputs and/or outputs of the FSD system (and/or the training model used to train each FSD system) inside the accused Tesla vehicles related to the accused features.

11. All documents and things that describe the origination and modifications of the inputs and/or statistics for predicting the behavior and/or movement of objects captured by Tesla vehicles, where such objects include, but are not limited to, vehicles, pedestrians, bicyclists, drivers.

12. All documents and things that describe the different inputs, data, and outputs that can be applied to or associated with a particular object in an image and/or video and/or sensor data.

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13. All documents and things that describe how and why statistical data associated with an object (e.g., drivers, vehicles, predictions, ec.) is used by (and/or to train) the FSD software, directly and/or indirectly, to control the vehicle.

14. All documents and things that describe a feature vector configured and/or implemented and/or used by the Accused Products.

15. All documents and things that describe the type of neural network and/or training model used for each version of the Accused Products.

16. All documents and things that refer or relate to generating a point cloud representation of the surroundings of the Tesla vehicles and/or to determining a region of the point cloud where an object (e.g., driver, vehicle, pedestrian, etc.) is expected to reach within a particular time period..

17. All Documents and things describing how the Accused Products use image and/or sensor data and/or neural networks and/or make decisions related to the handling or controlling (steering, braking, etc.) of the Accused Products (e.g., the Tesla vehicles) relating or referring, directly or indirectly, to the features identified in Perceptive's complaint and/or Perceptive's infringement contentions.

18. All Documents and things describing how "Intervention Likelihood" is determined and used in the features identified in Perceptive's complaint and/or Perceptive's infringement contentions.

19. All Documents and things describing how the "Human-like Discriminator" is determined and used in the features identified in Perceptive's complaint and/or Perceptive's infringement contentions.

20. All Documents and things relating or referring to the certainty and/or uncertainty and/or statistical information and/or probability that a particular object (e.g., pedestrian, vehicle, driver, etc.) will behave and/or act and/or move in a particular manner.

21. All Documents and things describing how labeled sensor data is trained by a neural network to create updated and/or trained rule sets.

22. All Documents and things describing the delivery of updated and/or trained rule sets to Tesla vehicles.

23. All contracts, leases, license agreements, OEM manufacturing, and other agreements referring or Relating to the Accused Products.

24. All Documents and things referring or Relating to any allegation by Tesla that it does not infringe and has not infringed any of the Patents-in-Suit.

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25. All Documents and things referring or Relating to any allegation by Tesla that any of the Patents-in-Suit or the Asserted Claims are invalid, and/or to any other defense Tesla raises in this action.

26. Documents and things sufficient to identify all models, versions, editions, or other variations of all Accused Products made, used, offered for sale, sold, and/or imported into the United States during the Relevant Time Period.

27. For each Accused Product, Documents sufficient to show all internal project names, code names, or other words, phrases, labels, terms, or descriptors Relating to the Accused Product.

28. All Documents and things referring or Relating to any study, analysis, review, investigation, or opinion Concerning the Patents-in-Suit, Including all Documents and things referring or Relating to any oral or written opinion of counsel with respect to:

    a) infringement or non-infringement of any claim of the Patents-in-Suit;

    b) validity or invalidity of any claim of the Patents-in-Suit;

    c) enforceability or unenforceability of any claim of the Patents-in-Suit; and/or

    d) interpretation or scope of any claim, or claim limitation, of the Patents-in-Suit.

29. All marketing materials referring or Relating to the features of the Accused Products identified in Perceptive's infringement contentions.

30. All documents and things referring or Relating to the development of the features of the Accused Products identified in Perceptive's infringement contentions, by Tesla and/or other third-party contributors.

31. For each Accused Product, Documents sufficient to show all product features and/or product support for the features of the Accused Products identified in Perceptive's infringement contentions, such Documents Including any manuals, support documentation, how-to guides, videos, development kits, implementation guidelines, test kits, simulators, design software, and software updates (Including firmware).

32. All Documents and things identified or used in responding to interrogatories served by Perceptive in this matter.

33. All Documents and things referring or Relating to any policy and/or practice of Tesla Relating to retention and/or destruction of documents.

34. All Documents and things sufficient to evidence all versions of the Accused Products.

35. All Documents and things Tesla may rely on in support of its claims or defenses.

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36. All Documents and things shown to any testifying expert or consulting expert that Tesla may rely on or use in this case.

37. All Documents evidencing, referring, or Relating to any communications between Tesla and the named inventors of any of the Patents-in-Suit.

38. All Documents referring or Relating to Tesla's first awareness of each Patent-in-Suit.

39. Documents and things Concerning the conception, design, development, manufacturing, and reduction to practice of each technology that Tesla contends to be prior art ("Prior Art Technology").

40. Documents and things related to the technical development of each Prior Art Technology.

41. Documents sufficient to explain the operation and function of each Prior Art Technology, Including, but not limited to, engineering and inventor notebooks, schematics, diagrams, specifications, source code, engineering design documents, and market requirements documents (MRDs).

42. Documents sufficient to demonstrate the public use, publicity, or promotion of the Prior Art Technology and the date the Prior Art Technology was first disclosed to the public, Including, but not limited to, any conferences, trade shows, conventions, trade publications, magazines, reviews, or patents (whether foreign or domestic).

43. Documents Concerning the location(s) of all Tesla facilities utilized in the design, development, manufacture, testing, sale, distribution, refurbishment, and/or operation of any Accused Product, Including the role of any such facility and the operations that take place there.

44. For each Accused Product, Documents sufficient to show research and development budgets and plans Concerning the Accused Product, Including the Cost of developing the Accused Product and the features identified in Perceptive's infringement contentions, any Documents Relating to potential design around possibilities of the Patents-in-Suit, if any, considerations of features to Include in the Accused Product, competitive benchmarking or other analyses, research and development budget(s), and research timetable(s).

45. For each Accused Product, Documents sufficient to show commercialization budgets and plans Concerning the Accused Product, Including complete corporate profit and loss statements from 2018 through the present, reported monthly, quarterly or annually, segmented by geographical area or sale; and any margin or profitability analysis on a corporate level.

46. Documents sufficient to show, separately for each Accused Product, the following on a monthly, quarterly, and yearly basis, broken down at the most granular level available to You:

    a) quantity of the Accused Product sold;

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b) Sales Revenue (or any similar financial measure used in Your normal course of business, e.g., EBITA);

c) Sales Costs (including component costs and research and development costs attributable to the Accused Product and any cost per sale of the Accused Product, e.g., sales commissions and direct sales costs);

d) Gross Profit;

e) Operating Expenses (Including the methodology used to allocate such costs, if any such costs were allocated); and

f) Operating Income.

47. For each Accused Product, Documents sufficient to show the actual or projected economic value, sales, revenue, accounting, benefits, importance, or impact of the Accused Product and the features identified in Perceptive's infringement contentions, Including any Documents Comprising or Relating to sales strategies, market studies, market share reports, competitive analysis, focus groups, quantity sold, Sales Revenue (or any similar financial measure used in Tesla's normal course of business, e.g., EBITA), Sales Costs (Including without limitation research and development costs attributable to the Accused Product and any cost per sale of any such product, e.g., sales commissions and direct sales costs), Gross Profit, Operating Expenses, Operating Income, and increased sales of Your other products due to any acquisition, sale, distribution, or use of Any Accused Product.

48. For each Accused Product, summary sales records for the Accused Product during the Relevant Time Period, Including information by month/quarter/year, broken out by customer/industry/geography.

49. For each Accused Product, Documents and things sufficient to show average selling prices for the Accused Product by month/quarter/year, broken out by customer/industry/geography.

50. For each Accused Product, All Documents and things Relating to the pricing of the Accused Product, Including: target profit margins when setting prices, pricing analyses by customer/industry/geography, competitive pricing analyses, and prices per unit.

51. For each Accused Product, Documents sufficient to show revenue generated by Tesla that is attributable to use of the Accused Product during the Relevant Time Period.

52. For each Accused Product, Documents sufficient to show, for both the United States only and worldwide, the number of users of the Accused Product.

53. For each Accused Product, Documents sufficient to show any projections related to Your future profit attributable to said Accused Product or the features identified in Perceptive's infringement contentions, and the basis by which You arrive at the value for each, Including the projected quantity sold, projected Sales Revenue (or any similar financial

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measure used in Your normal course of business, e.g., EBITA), projected Sales Costs (Including research and development costs attributable to the Accused Product and any cost per sale of the Accused Product, e.g., sales commissions and direct sales costs), projected Gross Profit, projected Operating Expenses (Including the methodology used to allocate such costs, if any such costs are to be allocated), and projected Operating Income, broken down at the most granular level reasonably available to You.

54. All Documents Relating to the advertising and marketing of any Accused Product or the features identified in Perceptive's infringement contentions, including any Documents Comprising or Relating to advertising plans, marketing plans, marketing presentations, advertisements, promotional materials, product brochures, use guides, care guides, bulletins, catalogs, product lists, website content, product assembly materials, and videos of any of the foregoing.

55. All business plans for the Accused Products, Including product descriptions, pricing policies, production plans, channels of distribution, estimates or forecasts of demand for the Accused Products, estimates of market share and potential market penetration, projected Sales Revenue (gross and net), cost analyses, projected profitability, manufacturing budgets, and Pro Forma financial statements (income statement, balance sheet, statement of cash flows).

56. Documents sufficient to show Tesla's marketing strategy for the Accused Products or the features identified in Perceptive's infringement contentions, including target markets (customers, accounts or contracts), contract analyses, product descriptions, marketing plans, competitor analyses, projected market penetration and segmentation, projected prices/scenarios, market surveys, and internal, external, and/or commissioned studies Concerning the importance of specific features of the Accused Products (industry analyses, economic analyses, marketing analyses, etc.).

57. All Documents Relating to evaluating, obtaining, or maintaining any intellectual property rights Relating to any Accused Product, Including any Documents Comprising or Relating to any Patent or Patent application ever owned by or assigned to You that Relates to any Accused Product or the features identified in Perceptive's infringement contentions.

58. All license agreements that Relate to any Accused Product or the features identified in Perceptive's infringement contentions.

59. Monthly, quarterly, and annual accounting or financial statements prepared by management which detail the following cost components of the Accused Products by month/quarter/year, broken out by customer/industry/geography: cost of goods sold and other manufacturing costs, and/or all Operating Expenses attributable to the Accused Products. Cost of goods sold and other manufacturing costs include but are not limited to: bills of material showing standard costs for each of the Accused Products; direct labor; raw materials; overhead (with breakdown of fixed and variable overhead); or any variances to standard costs.

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60. Sales materials related to sales plans and strategies for the Accused Products, Including sales catalogs and brochures, sales training materials, bid proposals won or lost, Including expected probabilities of success and any notes on bid outcome, salespeople's reports, studies regarding customer buying decisions and purchasing motivation, customer feedback, customer surveys, and customer reviews, and press releases.

61. All Documents and things that refer or relate to the profitability of the Accused Products from 2018 to the present, including, but not limited to, incremental profits, downstream economic value, and downstream impact, or any other profitability metric utilized by Tesla.

62. For each Accused Product, Documents sufficient to show the value on a monthly, quarterly, and yearly basis during the Relevant Time Period of all internal metrics used by Tesla to measure profitability for that Accused Product, including, but not limited to, incremental profits, downstream economic value, and downstream impact.

63. For each Accused Product, Documents that refer or relate to Tesla's decision to launch, release, or otherwise make the product and the features identified in Perceptive's infringement contentions available Including, but not limited to, documents relating to the business case for launching, releasing, or otherwise making the product and the features identified in Perceptive's infringement contentions available.

64. Documents and things sufficient to demonstrate any and all differences between the Accused Products with respect to the features identified in Perceptive's complaint and/or Perceptive's infringement contentions.

65. All Documents and things evidencing any communications with any third-party concerning Perceptive, any inventor of any of the Patents-in-Suit, or this action.

66. All Documents and things concerning Tesla's decision(s) to implement the features identified in Perceptive's infringement contentions, in the Accused Products.

67. All Documents and things concerning the benefits of using the features identified in Perceptive's infringement contentions.

68. Documents sufficient to show the usage (and extent of use, by any measure) of the features identified in Perceptive's complaint and/or Perceptive's infringement contentions.

69. All Documents Relating to Elon Musk's statements, as quoted in Business Insider,[1] from an interview on Tesla Owners Silicon Valley, Tesla's valuation is determined by FSD: "But the overwhelming focus is on solving full self-driving. That's essential. It's really the difference between Tesla being worth a lot of money or worth basically zero."

70. All Documents related to the valuation, internal to Tesla, or external to Tesla (e.g., Stifel's recent valuation of $213 per share attributable to Tesla FSD) of Tesla's FSD.

[1] https://www.businessinsider.com/elon-musk-tesla-worth-basically-zero-without-self-driving-2022-6

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71. All Documents during the Relevant Timeframe Relating to revenue and profit projections for FSD, on a year to year basis, including, but not limited to, profit and revenue projections prior to the initial launch of Tesla FSD.

72. All Documents related to Elon Musk's statement that FSD could transform Tesla vehicles and/or other vehicles into "appreciating assets."[2]

73. All Documents Relating to sales presentations, manuals, startegies, training that Tesla retail stores (whatever they are called), sales people, etc., are provided with in connection with FSD

Please feel free to reach out to me by phone or email at any time to discuss any issues.

Regards,

/s/ C. Austin Ginnings

C. Austin Ginnings

[2] https://www.businessinsider.com/musks-claim-teslas-appreciate-value-post-purchase-flopped-2024-3; https://cleantechnica.com/2019/07/16/digesting-elon-musks-full-self-driving-tweetstorm/