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

DEFENDANT TESLA INC.'S MOTION TO DISMISS UNDER FED. R. CIV. P. 12(b)(3), 12(b)(6), AND 8(a)(2)

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I. INTRODUCTION

Tesla moves the Court to dismiss the First Amended Complaint (FAC) of Plaintiff Perceptive Automata LLC ("Perceptive") because of improper venue and invalidity under Section 101. Following Tesla's original Motion to Dismiss (ECF 30), Perceptive refiled the same infringement claims in the FAC (ECF 51). The FAC does not add patents or causes of action (other than a brief allegation of willful infringement based on the original Complaint). Yet, the FAC is over twice as long as the Complaint and includes *over 150 new pages* of irrelevant allegations. These new pages do not resolve the venue and Section 101 issues in Tesla's original motion, and most of the new pages are nothing more than improper briefing in anticipation of this motion. Misusing pages in a pleading as de facto anticipatory briefing circumvents the page limits in Local Rule CV-7 and violates Federal Rule of Civil Procedure 8(a)(2), which calls for "a short and plain statement of the claim showing that the pleader is entitled to relief." Because the FAC's violation of the "short and plain" standard of Rule 8(a)(2) is so clear, Tesla moves in the alternative that the Court dismiss the FAC for violating Rule 8(a)(2).

With respect to venue, the FAC recognizes that complete acts of infringement do not occur in the Eastern District of Texas for three of the five Asserted Patents.[1] In paragraphs 86, 150, and 273 of the FAC, Perceptive states that Tesla performs only ***some*** claim steps — but not any of the claimed training steps — "in this judicial district." Because Perceptive admits that some claimed steps of the '889, '779, and '046 patents do not occur in this District, there is no dispute that Tesla has not performed an act of infringement in this District. Venue is thus improper for those three patents.

With respect to unpatentable subject matter, Perceptive's new arguments in the FAC do not change the outcome: the claims of the Asserted Patents are invalid under Section 101 because the claims

[1] The Asserted Patents are U.S. Patent Nos. 10,614,344 ("the '344 patent," ECF 51-1); 11,126,889 ("the '889 patent," ECF 51-2); 11,467,579 ("the '579 patent," ECF 51-3); 11,520,346 ("the '346 patent," ECF 51-4); and 11,753,046 ("the '046 patent," ECF 51-5).

concern conventional mental steps of driving a car or learning to drive a car. No amount of attorney argument can re-write these claims—claims that are abstract on their face. This Court, the Federal Circuit, and the Supreme Court have all confirmed that patents computerizing well-known processes that humans have performed for decades do not claim patentable subject matter. *See e.g.*, *Torus Ventures LLC v. Cawley Partners, LLC*, No. 2:24-CV-00552-JRG, 2025 WL 1799327, at *8 (E.D. Tex. June 30, 2025); *Elec. Power Grp., LLC v. Alstom S.A.*, 830 F.3d 1350, 1355 (Fed. Cir. 2016); *Alice Corp. Pty. v. CLS Bank Int'l*, 573 U.S. 208, 223, (2014). The Federal Circuit also recently confirmed that using and training machine learning models to perform conventional tasks cannot save a patent from ineligibility. *Recentive Analytics, Inc. v. Fox Corp.*, 134 F.4th 1205, 1213 (Fed. Cir. 2025). Moreover, because courts "disregard conclusory statements when evaluating a complaint under Rule 12(b)(6)," Perceptive's repetitive allegations in the FAC that the asserted claims are patent eligible do not change the substantive analysis. *See Simio, LLC v. FlexSim Software Prods., Inc.*, 983 F.3d 1353, 1365 (Fed. Cir. 2020).

II. BACKGROUND

Perceptive sued Tesla for patent infringement for "Tesla vehicles with Full Self-Driving (FSD) hardware and/or software." *See* ECF 1 at Par. 14; *see also* ECF 51 at Par. 14 (same). Although Perceptive points to Tesla's sales in this District to support its venue allegations, Perceptive's infringement allegations depend on Tesla's training and data labeling operations. *Id.*, Par. 29 ("For example, Tesla's in-house team of over 1,000 people (e.g., users) provided advanced labeling to particular objects . . . ."); Par. 92 ("At its datacenters (e.g., Dojo and/or Cortex), Tesla generates a training dataset comprising summary statistics of user responses describing the state of minds of road users . . . ."); Par. 154 ("On information and belief, Tesla trains a probabilistic neural network."); Par. 219 ("[…]Tesla provides an image of the one or more images, the image showing the traffic entity as input to a machine learning model configured to receive an input image showing an input traffic entity and output summary statistics of expected human responses describing a hidden context of the input traffic

entity shown in the input image."); Par. 277 ("For example, Tesla's in-house team of over 1,000 data labelers provide advanced labeling that describe a state of mind of a road user displayed in one or more images"). As explained in Tesla's original motion to dismiss (and repeated here), none of these training and data labeling operations occur in this District. *See* ECF 32-1 [FUS] (Decl. of Jeremy Goldman, describing Tesla data labeling) and 32-2 [FUS] (Decl. of Prashant Doma, describing Tesla training).

To Perceptive's credit, Perceptive now concedes in the FAC that Tesla does not perform in this District all of the steps of any asserted claims for the '889, '579, and '046 patents. This admission is in paragraphs 86, 150 and 273 of the FAC. Each of paragraphs 86, 150, and 273 identify only a specific ***subset*** of claim steps that are allegedly performed in this District. Perceptive is careful not to allege and does not allege in the FAC that Tesla performs any of the "training" steps in in this District.

Despite acknowledging that its allegations depend on infringing conduct outside the District, Perceptive nevertheless alleges in the FAC that venue is proper "because Tesla has regular and established places of business in this District and has committed acts of infringement in this District." ECF 51 at Par. 14. Perceptive points to Tesla's "Gigafactory" and "Global Headquarters," which are both located in Austin, Texas in the Western District of Texas (WDTX). *Id.* at Par. 15. Most importantly, Perceptive identifies data centers "at [Tesla's] Gigafactory in Austin, Texas" in the FAC as the location where video clips are received and "used to train Tesla's FSD product/service." *Id.* at Par. 16.

The FAC includes *over 100 new pages* of arguments about patent eligibility. *See* ECF 51, Par. 37 (p. 26) through Par. 74 (p. 46); Par. 100 (p. 68) through Par. 138 (p. 89); Par. 165 (p. 112) through Par. 198 (p.134); Par. 227 (p. 156) through Par. 261 (p. 181); and Par. 288 (p. 201) through Par. 324 (p. 223). Across these pages, Perceptive presents a variety of legal conclusions and attorney arguments about the asserted claims. *See e.g.*, *id.*, Pars. 37, 100, 165, and 227 ("The claims of the [asserted] patent are eligible under 35 U.S.C. § 101."); Pars. 53, 116, 178, 240, and 301 (discussing USPTO decisions on

Section 101 for unrelated patents). Despite Perceptive' s futile effort to recharacterize its claims in the FAC, the printed words of the claims are unchanged — the claims recite generic computerization of routine human activity, like observing pedestrians on a road.

III. LEGAL STANDARD

Federal Rule of Civil Procedure 8(a)(2) requires "a short and plain statement of the claim showing that the pleader is entitled to relief." Rule 8(e) further adds that "[e]ach allegation must be simple, concise, and direct." Consistent with the guidance in Rule 8, "courts in this circuit have dismissed complaints that are similar in length to the one here, especially when they are overly repetitious and difficult to follow." *Jaser v. AT&T Servs. Inc.*, No. 3:18-CV-3429-B-BH, 2020 WL 1329151, at *5 (N.D. Tex. Mar. 23, 2020) (collecting numerous cases that dismissed a 130-page complaint, a 57-page complaint, and a 77-page complaint).

When evaluating a motion to dismiss a complaint, "[t]he Court accepts well-pled facts as true and views all facts in the light most favorable to the plaintiff, but the Court is not required to accept the plaintiff's legal conclusions as true." *Torus Ventures*, 2025 WL 1799327 at *1 (citing *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)). The standards of *Twombly* and *Iqbal* apply to patent infringement claims. *See, e.g., In re Bill of Lading Transmission & Processing Sys. Patent Litig.*, 681 F.3d 1323, 1339 (Fed. Cir. 2012).

A. Venue

The patent venue statute states that venue lies "in the judicial district where the defendant resides" or "where the defendant has committed acts of infringement and has a regular and established place of business." 28 U.S.C. §1400(b). "[F]or purposes of determining venue under § 1400(b) in a state having multiple judicial districts, a corporate defendant shall be considered to 'reside' only in the single judicial district within that state where it maintains a principal place of

business, or, failing that, the judicial district in which its registered office is located." *In re BigCommerce, Inc.*, 890 F.3d 978, 986 (Fed. Cir. 2018).

The Federal Circuit confirmed in 2020 that, for a defendant to have "committed acts of infringement" in a judicial district under Section 1400(b), the defendant must have infringed an *entire* claim within the district. *Valeant Pharms. N. Am. LLC v. Mylan Pharms. Inc.*, 978 F.3d 1374, 1380 n.7 (Fed. Cir. 2020). The Federal Circuit recognized that "[a] process cannot be used 'within' [a jurisdiction] unless *each of the steps* is performed within this [jurisdiction]." *Id.* (emphasis added) (quoting *NTP, Inc. v. Research in Motion, Ltd.*, 418 F.3d 1282, 1318 (Fed. Cir. 2005), *abrogated on other grounds by Zoltek Corp. v. United States*, 672 F.3d 1309, 1323 (Fed. Cir. 2012) (en banc)); *see also AML IP, LLC v. Bath & Body Works Direct, Inc.*, No. 4:22-CV-216-SDJ, 2024 WL 3825242, at *3 (E.D. Tex. Aug. 13, 2024) ("Applying *NTP*'s reasoning to the Section 1400(b) context, it follows that a defendant does not use a method or process in a judicial district unless each of the steps is performed within that district."). Similarly, with respect to apparatus claims, "[t]he use of a claimed system under section 271(a) is the place at which the system *as a whole* is put into service, *i.e.*, the place where control of the system is exercised and beneficial use of the system obtained." *Valeant*, 978 F.3d at 1380 n.7 (emphasis added) (citing *NTP*, 418 F.3d at 1317)

The Federal Circuit's analysis of "acts of infringement" under Section 1400(b) follows its prior case law analyzing where an act of infringement occurs for purposes of Section 271. *Valeant*, 978 F.3d at 1380 n.7 ("We answered the 'where' question with respect to traditional acts of infringement years ago in extraterritorial infringement cases."). As explained in *Valeant*, the same "where" analysis that applies to domestic versus extraterritorial infringement under Section 271 applies to venue under Section 1400(b). *Id.* And, in the context of domestic versus extraterritorial

infringement, "[i]t is well established that a patent for a method or process is not infringed unless *all steps* or stages of the claimed process are utilized." *NTP*, 418 F.3d at 1318 (emphasis added) (quoting *Roberts Dairy Co. v. United States*, 530 F.2d 1342, 1354 (Ct. Cl. 1976)); *see also Mirror Worlds, LLC v. Apple Inc.*, 692 F.3d 1351, 1358 (Fed. Cir. 2012) ("To infringe a method claim, all steps of the claimed method must be performed"). Applying this rule, the Federal Circuit in *NTP* held that method claims including a "step that utilizes an 'interface' or 'interface switch,' which is only satisfied by the use of [a component] located in Canada," were not infringed in the United States. *Id*. By extension, under *Valeant* and *NTP*, if even one claimed step occurs outside a district, then the defendant has not committed "acts of infringement" in the district.

Consistent with the *Valeant* decision, a district court in the Sherman Division recently dismissed a case under Section 1400(b) because "a method is only used within a location if each step is performed in that location." *AML IP*, 2024 WL 3825242 at *3 (citing *NTP*, 418 F.3d at 1318). As the *AML* court recognized, "[a]lthough *NTP* concerned Section 271(a), the same reasoning should apply to Section 1400(b), as both statutes consider the location of the alleged infringement." *Id*. The *AML* court held that "[b]ecause [the plaintiff] does not allege that each step was performed in this district, and likewise does not controvert Defendants' declarations that certain steps are not performed in the district, it has failed to establish that Defendants committed an act of infringement (i.e., used its patented method) in the district." *Id*.

Tesla recognizes that this Court recently denied a motion to dismiss under Section 1400(b) on the basis that "acts of infringement" in Section 1400(b) does not require every step in a claim to be performed in the District. *Sandpiper CDN, LLC v. Comcast Cable Commc'ns, LLC*, No. 2:24-CV-00886-JRG-RSP, 2025 WL 2726046, at *2 (E.D. Tex. Aug. 14, 2025) (citing *Seven Networks, LLC v. Google LLC*, 315 F.Supp.3d 933, 944 (E.D. Tex. Jul. 19, 2018)), *report and*

recommendation adopted, No. 2:24-CV-00886-JRG-RSP, 2025 WL 2724887 (E.D. Tex. Sept. 24, 2025). The *Sandpiper* decision followed this Court's prior analysis of Section 1400(b) from the *Seven Networks* case in 2018. Tesla respectfully submits that the Federal Circuit has since clarified that *NTP* controls "where" infringement occurs for venue, and the analysis in *Seven Networks* is no longer applicable.

Tesla further recognizes that the petition for a writ of mandamus in *Sandpiper* was denied. *See In Re Comcast Cable Commc'ns, LLC*, No. 2026-104, Dkt. 22, (Fed. Cir., Dec. 9, 2025). However, the mandamus petition was not denied on the substantive merits; it was denied because "[a]n appeal will usually provide an adequate remedy for a defendant challenging the denial of an improper-venue motion[.]" *Id*., 2 (quoting *In re HTC Corp.*, 889 F.3d 1349, 1354 (Fed. Cir. 2018)). So—*Sandpiper* notwithstanding—in view of the Federal Circuit's previous guidance in *Valeant* and *NTP*, Tesla respectfully maintains that an "act of infringement" in a District requires performing every step of a claim in the District.

B. Patentable Subject Matter

Patent eligibility "may be, and frequently has been, resolved on a Rule 12(b)(6) or (c) motion[.]" *SAP Am., Inc. v. InvestPic, LLC*, 898 F.3d 1161, 1166 (Fed. Cir. 2018); *see also PersonalWeb Techs. LLC v. Google LLC*, 8 F.4th 1310, 1314, 1319 (Fed. Cir. 2021). To determine patent-ineligibility, the Court may focus on a representative claim if all claims are "substantially similar and linked to the same abstract idea." *Content Extraction & Transmission LLC v. Wells Fargo Bank, Nat. Ass'n*, 776 F.3d 1343, 1348–49 (Fed. Cir. 2014). Claim construction is not required. *Id.* at 1349. Eligibility is "a question of law that may contain underlying issues of fact." *Interval Licensing LLC v. AOL, Inc.*, 896 F.3d 1335, 1342 (Fed. Cir. 2018).

The Supreme Court has set out a two-step framework under *Alice* to determine if a patent claims unpatentable subject matter. *See generally Alice*, 573 U.S. 208. The first step is to determine if the claim

is directed to ineligible subject matter, such as an abstract idea, by focusing on the claim's "character as a whole." *See Elec. Power Grp., LLC v. Alstom S.A.*, 830 F.3d 1350, 1353 (Fed. Cir. 2016). "In the context of software patents (which includes machine learning patents), the step-one inquiry determines whether the claims focus on the specific asserted improvement in computer capabilities or, instead, on a process that qualifies as an abstract idea for which computers are invoked merely as a tool." *Recentive Analytics*, 134 F.4th at 1212 (internal quotation marks and alterations omitted). The second step is to determine if a patent claim "contains an inventive concept sufficient to transform the claimed abstract idea into a patent-eligible application." *Alice*, 573 U.S. at 217, 221. "For the role of a computer in a computer-implemented invention to be deemed meaningful in the context of this analysis, it must involve more than performance of 'well-understood, routine, [and] conventional activities previously known to the industry.'" *Content Extraction & Wells Fargo Bank, Nat'l Ass'n,* 776 F.3d 1343, 1347–48 (Fed. Cir. 2014). If the claims merely recite an "application of an abstract idea using conventional and well-understood techniques," there is no inventive concept as a matter of law. *BSG Tech LLC v. Buyseasons, Inc.*, 899 F.3d 1281, 1290-91 (Fed. Cir. 2018).

Printed matter that is not functionally related to its substrate cannot provide an inventive concept to transform an abstract idea into something patent eligible. *In re Marco Guldenaar Holding B.V.*, 911 F.3d 1157, 1162 (Fed. Cir. 2018). "Today, printed matter encompasses any information claimed for its communicative content, and the doctrine prohibits patenting such printed matter unless it is 'functionally related' to its 'substrate,' which encompasses the structural elements of the claimed invention." *C R Bard Inc. v. AngioDynamics, Inc.*, 979 F.3d 1372, 1381 (Fed. Cir. 2020); *see also Praxair Distribution, Inc. v. Mallinckrodt Hosp. Prods. IP Ltd.*, 890 F.3d 1024, 1032 (Fed. Cir. 2018). "[A] claim may be found patent ineligible under § 101 on the grounds that it is directed solely to non-functional printed matter and the claim contains no additional inventive concept." *C R Bard Inc.*, 979 F.3d at 1381.

IV. VENUE IS IMPROPER

For the ’889, ’579, and ’046 patents, because neither prong of Section 1400(b) is satisfied, venue is improper.

A. Tesla Does Not Reside in EDTX

Tesla is a Texas corporation. Texas has multiple judicial districts, and “a corporate defendant shall be considered to ‘reside’ only in the single judicial district within [Texas] where it maintains a principal place of business.” *BigCommerce,* 890 F.3d at 986. Within Texas, Tesla’s corporate headquarters are in Austin, as Perceptive acknowledges. ECF 51, Par. 15. Thus, for purposes of Section 1400(b), Tesla “resides” only in the WDTX.

B. Perceptive Does Not Allege Complete Acts of Infringement in EDTX For The ’889, ’579 and ’046 Patents

Because Tesla does not reside in EDTX, venue is proper in this district only if Tesla allegedly committed an act of infringement in this district. *See* 28 U.S.C. §1400(b). But, for the ’889, ’579, and ’046 patents, Perceptive does not allege that Tesla performed any complete act of infringement in this district. *See* ECF 51, Pars. 86, 150, and 273.

1. All claims of the ’889, ’579, and ’046 patents recite training

Every claim in the ’889, ’579, and ’046 patents recite an act of “training” a “neural network” or “model.” For the ’889 patent, the independent claims each recite “generating a training dataset . . .” and “training, using the training dataset, a supervised learning based model[.]” ECF 51-2, 15:46-52, 16:4-10, and 17:28-34. For the ’579 patent, the independent claims each recite “training a probabilistic neural network.” ECF 51-3, 22:44, 23:53, and 24:50. And for the ’046 patent, the independent claims each recite “generating training data . . .” and “training a model using the training data[.]” ECF 51-5, 15:44-62, 16:30-48, and 17:21-18:10.

These "training" steps mean that an "act of infringement" cannot occur in EDTX unless at least some model (or neural network) is trained in EDTX. As the Federal Circuit clarified in *Valeant*, "a process cannot be used 'within' [a given jurisdiction] as required by section 271(a) unless each of the steps is performed within [that jurisdiction]." 978 F.3d at 1380 n.7 (quoting *NTP*, 418 F.3d at 1318 (alterations added)). As explained below, Tesla does not perform training in EDTX (and Perceptive does not allege otherwise), which means Tesla has not performed any acts of infringement in EDTX.

The result is the same for the system claims and the method claims of the '889, '579, and '046 patents. Each system claim in these patents has nearly identical limitations to the corresponding method claims, framed as instructions on a computer readable medium for performing the same method steps (*i.e.*, so-called *Beauregard* claims). ECF 51-2, 15:34-40 and 17:16-22; ECF 51-3, 23:50-52 and 24:47-49; ECF 51-5, 16:24-27 and 17:15-18. Without the computers that allegedly perform the training steps — and the associated computer readable medium — there can be no acts of infringement. In other words, a system that does not include the computer readable instructions for training does not infringe any claim of the '889, '579, and '046 patents. *See Valeant*, 978 F.3d at 1380 n.7 ("The use of a claimed system under section 271(a) is the place at which the system ***as a whole*** is put into service . . ." (quoting *NTP*, 418 F.3d at 1317, emphasis added)). And just as Tesla does not perform the step of "training" in EDTX, Tesla also does not have or use computer readable instructions for "training" in EDTX.

2. Perceptive does not and cannot allege that training occurs in EDTX

In connection with Tesla's original motion to dismiss for improper venue (ECF 30), Tesla submitted two declarations confirming that Tesla does not perform training or data labeling in EDTX. *See* ECF 32-1 [FUS] (Decl. of Jeremy Goldman, describing Tesla data labeling) and 32-2 [FUS]

(Decl. of Prashant Doma, describing Tesla training). As explained by Mr. Doma, none of the compute clusters and/or data centers that Tesla uses to train machine learning models are in EDTX. ECF 32-2, Par. 2. The only training Tesla performs in Texas is in Austin, Texas, which is in WDTX. *Id.* And as explained by Mr. Goldman, Tesla's data labeling team is divided between California, New York, and Utah—not Texas. ECF 32-1, Par. 4. This means that none of the claims that recite "training" or "generating training data" can be performed by Tesla in EDTX.

The FAC *confirms* that none of the claims of the '889, '579, or '046 patent are infringed within this District. First, just like the original Complaint, the allegations of infringement for the '889, '579, and '046 patents in the FAC rely on training and data labeling that occurs outside of EDTX. *See e.g.*, Par. 92 ("At its datacenters (e.g., Dojo and/or Cortex), Tesla generates a training dataset . . ."); Par. 279 (same); Par. 158 ("Further, on information and belief, Tesla, at its datacenters (e.g., Dojo and/or Cortex), train the FSD software, which is a probabilistic neural network . . ."). There is no allegation in the FAC that these cited operations occur in EDTX.

Second, the FAC states that only some — not all — of the claimed steps of the '889, '579, and '046 patents are performed in EDTX. *See* ECF 51, Pars. 24, 86, 150, 211, and 273. In other words, Perceptive conspicuously does *not* allege that all steps of an independent claim are performed in this District. *Id.*, Pars. 86, 150, and 211. In contrast, for the two other asserted patents in this case — the '344 and '346 patents — Perceptive alleges that "Tesla performs each of the steps of claim 1 [. . .] in this judicial district." *Id.*, Pars. 24 and 211. Perceptive's pleading on this issue is careful. Consistent with the arguments and declarations that Tesla put forward with its original motion to dismiss, Perceptive only alleges that Tesla performs ***some*** of the claimed steps in this judicial district. *Id.* For the '889, '579, and '046 patents, the claimed steps reciting "training" or "generating training data" are not alleged to be

performed in this district. *Id*. Thus, the parties agree that Tesla does not perform the claimed "training" steps in this district.

The lack of "training" in this district is dispositive of venue for the '889, '579, and '046 patents. Perceptive has not satisfied the "acts of infringement" prong of Section 1400(b) for these three patents. Just like in *AML IP*, "[b]ecause [Perceptive] does not allege that each step was performed in this district, and likewise does not controvert [Tesla's] declarations that certain steps are not performed in the district, it has failed to establish that [Tesla] committed an act of infringement *(i.e.*, used its patented method) in the district." *See* 2024 WL 3825242 at *3. Tesla therefore respectfully requests that the Court dismiss Perceptive's claims for infringement of the '889, '579, and '046 patents.

V. THE ASSERT PATENTS CLAIM INELIGIBILE SUBJECT MATTER

Each of the asserted claims fails the two-step *Alice* test because the claims are directed at abstract ideas and do not claim anything other than printed matter and conventional machine learning techniques. Although some repetition is required to address these overlapping patents, for the sake of completeness this motion addresses the claims of each patent individually in Sections A-E, and in the same order as presented in the FAC.

A. The '344 Patent Lacks Patent-Eligible Subject Matter

As illustrated in the chart below, the claims of the '344 patent do nothing more than computerize the steps that every human driver has always performed: looking at a road, judging what other cars will do next, and driving accordingly. The claims include nothing more than functional, result-oriented steps (receiving data, providing data to model/brain, executing model/brain, controlling vehicle) on generic hardware. Under *Alice*, the claims of the '344 patent are not patent eligible.

Claim Limitation ('344 Patent – Claim 1)	Human Activity
[1.pre] A computer-implemented method comprising:	N/A

[1.a] **receiving**, by a computing device associated with an autonomous vehicle operating on a road, **sensor data** captured by a sensor installed on the autonomous vehicle, the sensor data displaying an object on the road;	Driver sees object on the road.
[1.b] **providing the sensor data** as input **to** a supervised learning based **model**, the supervised learning based model configured to receive an input sensor data displaying a particular object on a road and 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;	Driver interprets what is seen.
[1.c] **executing** the trained supervised learning based **model** to generate a statistical summary data characterizing a distribution of user responses expected to be received responsive to presenting the sensor data captured by the sensor installed on the autonomous vehicle to users; and	Driver predicts what object will do.
[1.d] **controlling** the operation of the autonomous **vehicle** on the road based on the generated statistical summary data.	Driver steers car based on prediction.

Under *Alice* Step 1, the claims are directed to the abstract idea of using a machine learning model to drive a car. The Federal Circuit has already held that "claims that do no more than apply established methods of machine learning to a new data environment" (e.g., to driving) are patent ineligible under Section 101. *Recentive*, 134 F.4th at 1211.

For Step 2, there is no inventive concept in any individual limitation or in any combination of limitations. The specification of the '344 patent confirms that these steps may all be performed on generic hardware: "The vehicle 102 can be ***any type*** of manual or motorized vehicle . . ." (ECF 51-1 at 4:10-11 (emphasis added *passim*)); "The network 104 can be ***any type*** of wired and/or wireless network . . . " (*id.*, 4:17-18); "The server 106 can be ***any type*** of computer system capable of . . . " (*id.*, 4:22-23); "The user response database 110 can be ***any type*** of database . . . " (*id.*, 4:30-31); "The model training system 112 can be implemented in ***any type*** of computing system" (*id.*, 4:34-35); "The prediction engine 114 can be implemented in ***any*** computing system" (*id.*, 4:48-49). Running specific predictions or calculations on

generic hardware is also not patent eligible. *In re Bd. of Trs. of Leland Stanford Junior Univ.*, 991 F.3d 1245, 1251 (Fed. Cir. 2021) ("The different use of a mathematical calculation, even one that yields different or better results, does not render patent eligible subject matter."); *see also SAP Am.*, 898 F.3d at 1163 (finding ineligible claims whose "subject is nothing but a series of mathematical calculations based on selected information and the presentation of the results of those calculations.").

The "supervised learning based model" in the independent claims also fails to provide an inventive concept. This model is claimed in functional language that sets out only the model's input ("sensor data displaying a particular object on a road") and output ("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"). There is nothing in the claim about ***how*** the model uses the input to get the output. The absence of "how" is a critical defect because the content of the input and the content of the output are printed matter, with no connection to the substrate.[2] Because printed matter cannot provide an inventive concept (*Marco Guldenaar*, 911 F.3d at 1162), the claim does nothing more than recite a generic model, *e.g.*, a "supervised learning based model configured to receive [any input] and predicting [any output]."

Nor do the dependent claims add meaningful limitations. Dependent claims 2 and 11 require that the recited model be one of a number of known types of models (e.g., a "simple neural network"). ECF 51-1 at 6:42-56 (listing, without further explanation, examples of supervised learning algorithms, including "any other supervised learning algorithm" capable of performing certain tasks); 11:37-44 (The algorithm may be any type of supervised learning algorithm capable of predicting a continuous label for a two or three dimensional input…"). Claims 3 and 12 narrow the "object" on the road to some of the most common types of objects on the road, such as a motor vehicle. Claims 4 and 13 limit the content

[2] The "substrate" for all of the asserted patents would be the computer memory that holds the model and associated data. None of the claims at issue relate to computer memory.

of the user response to "describe an action associated with the object," but the content of the user response is printed matter with no relation to the substrate for the response. Claims 5, 6, 14 and 15 each further define the output of the model with a "parameter," but the output of the model is printed matter. Similarly, the remaining dependent claims (7-9, 16-18, and 20-22) each describe additional predictions that the model may output, which again are printed matter, and reflect generic driving decisions such as identifying another driver's state of mind, intention, or awareness. None of these added limitations do anything to change the analysis: the Federal Circuit's prior decisions about generic machine learning and printed matter confirm that the '344 patent is ineligible.

B. The '889 Patent Lacks Patent-Eligible Subject Matter

Similarly, the claims of the '889 patent automate what humans have done for generations: learn about driving and apply that learning to safely drive a car. The '889 patent covers this concept broadly with functional, result-oriented steps (receiving images, generating statistics, training a model, predicting a state of mind, and navigating/driving) implemented on wholly generic computer components. The claims are also predominately directed to printed matter. Under *Alice* and the Federal Circuit's precedent, the claims of the '889 patent are not patentable.

Claim Limitation ('889 Patent - Claim 2)	Human Activity
[2.pre] A computer-implemented method for controlling an autonomous vehicle based on a predicted state of mind of road users in a scene captured by a camera of the autonomous vehicle, the method comprising:	N/A
[2.a] **receiving** a plurality of **images** displaying road scenes captured by one or more vehicles;	Driver receives driving examples.
[2.b] **receiving** a plurality of **user responses**, each user response describing a state of mind of a road user displayed in one or more images;	Driver receives descriptions of drivers in examples.
[2.c] **generating a training dataset** comprising summary statistics of user responses describing the state of minds of road users displayed in the plurality of images;	Driver makes summary of what drivers do in examples.

[2.d] **training**, using the training dataset, a supervised learning based **model** configured to predict summary statistics describing a state of mind of a road user displayed in an input image;	Driver learns from summary.
[2.e] **receiving**, by an autonomous vehicle, **a new image** captured by a camera of the autonomous vehicle, the new image of a scene including a road user;	Driver drives and sees new driver on road.
[2.f] **predicting**, by the autonomous vehicle, using the supervised learning based model, summary statistics describing **a state of mind of the road user** in the new image; and	Driver predicts what new driver will do.
[2.g] **controlling the autonomous vehicle** based on the prediction of the supervised learning based model.	Driver steers based on prediction.

Under *Alice* Step 1, the independent claims are directed to the abstract idea of training and using a machine learning model to drive a car. The inclusion of "training" as well as "predicting . . . using" the model does not change the fact that these "claims [] do no more than apply established methods of machine learning to a new data environment" (*e.g.*, to driving) and are therefore patent ineligible under Section 101. *Recentive*, 134 F.4th at 1211.

For Step 2, there is no inventive concept in any individual limitation or in any combination of limitations. The specification of the '889 patent (which is the same as that of the '344 patent) confirms that these steps may all be performed on generic hardware. *See* Section IV.A above. Again, performing specific predictions or calculations on such generic hardware is not patent eligible. *Bd. of Trs. of Leland Stanford Junior Univ.*, 991 F.3d at 1251 (*supra*); *see also SAP Am.*, 898 F.3d at 1163 (*supra*).

Moreover, as with the '344 patent, every limitation in the independent claims is defined by the content of information, *i.e.*, printed matter, with no connection to the underlying substrate. For example, limitations [2.a] and [2.b] are both "receiving" printed matter; limitation [2.c] is "generating" more printed matter; [2.d] is "training" a model using the printed matter so that the model can output further printed matter; [2.e] is "receiving" new printed matter; [2.f] is "predicting" even more printed matter; and [2.g] is "controlling" the vehicle based on the even more printed matter. When this printed matter is

excluded from the analysis — as it must be (*Marco Guldenaar*, 911 F.3d at 1162) — there is nothing left but generic steps.

The dependent claims do not alter the analysis. Claims 3, 4, 13, and 14 describe the "road user" as a pedestrian or cyclist, and they further claim the road user's predicted state of mind, which is both an abstract idea and printed matter. *See Praxair*, 890 F.3d at 1033 ("Like the information claimed by printed matter, mental steps or processes are not patent eligible subject matter."). Claims 5 and 15 specify that the output printed matter ("summary statistics") should be one of a number of known data groups, such as a histogram. *C.f.*, ECF 51-2 at 6:8-43 (providing no further explanation for how to generate summary statistics other than listing the names of statistical methods, implying the models were well known). Claims 6-10 and 16-20 all relate to collecting user responses to driving scenarios, which student drivers have done for years to prepare for driving exams. And claim 11 requires that the recited model be one of a number of known types of models (e.g., a "simple neural network"). *Id.* at 6:49-63 (providing a list of names of models, without further explanation); 11:42-49 ("The algorithm may be any type of supervised learning algorithm capable of predicting a continuous label…including but not limited to…). None of these added limitations overcome the Federal Circuit's cases on generic machine learning and printed matter: the claims of the '889 patent are ineligible.

C. The '579 Patent Lacks Patent-Eligible Subject Matter

Like the '889 patent, the claims of the '579 patent automate what student drivers have done for decades: learning to drive and then driving a car. The '579 patent covers this concept broadly with functional, result-oriented steps (training a model/neural network, receiving and generating data, executing the model/neural network, and navigating/driving) implemented on wholly generic computer components. These claims are also predominately directed to printed matter. Under *Alice* and the Federal Circuit's precedent, the claims of the '579 patent are not patentable.

Claim Limitation ('579 Patent - Claim 1)	Human Activity
[1.pre] A method for navigating autonomous vehicles, comprising:	N/A
[1.a] **training a probabilistic neural network**, the probabilistic neural network configured to perform steps comprising:	Driver learns how to drive
[1.a.1] **receiving** as input, an **image of traffic**, the image displaying a traffic entity belonging to the traffic,	Driver learns how to see traffic
[1.a.2] **generating** a **feature vector** for a plurality of features, the feature vector comprising values describing statistical distribution for each feature, and	Driver learns how to identify features of traffic
[1.a.3] **generating output** representing hidden context for the traffic entity, the output comprising a plurality of values, each value representing a likelihood of receiving a particular user response from a user presented with the image;	Driver learns how to identify what cars in traffic might do
[1.b] **receiving a new image** captured by a camera mounted on an autonomous vehicle navigating through traffic;	Driver sees road with traffic
[1.c] **executing the probabilistic neural network** to generate output representing hidden context for at least a traffic entity displayed in the new image;	Driver predicts what car in traffic will do
[1.d] **determining a measure of uncertainty** for each of the plurality of values; and	Driver decides how confident they are in prediction
[1.e] **navigating the autonomous vehicle** to avoid the traffic entity displayed in the new image, the navigation based on at least the measure of uncertainty generated by the probabilistic neural network.	Driver steers to avoid collision, based on prediction and confidence

Under *Alice* Step 1, the independent claims are directed to the abstract idea of training and using a machine learning model to drive a car. This fails under the Federal Circuit's holding that "claims that do no more than apply established methods of machine learning to a new data environment" (*e.g.*, to driving) are patent ineligible under Section 101. *Recentive*, 134 F.4th at 1211.

For Step 2, the independent claims do not set out an inventive concept in any individual limitation or in any combination of limitations. The specification of the '579 patent (which contains much of the same disclosure as the '344 patent family) confirms that the only hardware needed to perform these steps

is generic. *See* section IV.A above. Again, performing specific predictions or calculations on such generic hardware is not patent eligible. *Bd. of Trs. of Leland Stanford Junior Univ.*, 991 F.3d at 1251 (*supra*); *see also SAP Am.*, 898 F.3d at 1163 (*supra*).

Moreover, the claims of the '579 patent are defined by the content of information, *i.e.,* printed matter, with no connection to the underlying substrate. For example, limitations [1.a.1] and [1.b] are both "receiving" printed matter; limitations [1.a.2] and [1.a.3] are both "generating" more printed matter; [1.c] is "executing" a model (or "neural network") to generate more printed matter; and [1.e] is "navigating" the vehicle based on the printed matter. The only limitations that do not directly rely on printed matter ([1.a] and [1.d]) are generic steps of "training" a model and "determining" uncertainty. After excluding the printed matter from the analysis—as directed in *Marco Guldenaar*, 911 F.3d at 1162—all that is left are generic steps.

Nothing in the dependent claims changes the analysis. Claims 2 and 14 restrict the content of "values describing statistical distribution," but the content of these "values" are printed matter. Claims 3 and 15 recite additional steps for the "training" based on two "pluralit[ies] of values," but training a model is abstract under *Recentive*, and the content used to train the model is also printed matter. Similarly, claims 4 and 16 recite additional steps for "determining the measure of uncertainty" using "a plurality of samples" and "a confidence interval" for values, but this mathematical analysis is itself an abstract idea, and the underlying data used in the analysis is printed matter. Claims 5, 6, 17, and 18 recite a step of basic driving safety (maintaining a "threshold distance" away from other cars), based on printed matter ("the measure of uncertainty"). Claims 7-10 only restrict what the "hidden context" must represent — such as a "state of mind" or "awareness" of another driver — which is both an abstract idea and printed matter. *See Praxair*, 890 F.3d at 1033 ("Like the information claimed by printed matter, mental steps or processes are not patent eligible subject matter."). Claims 11 and 19 add a trivial post-solution step of

generating signals to control the car based on the recited steps, which is also something every human driver does when using a steering wheel to drive a car. And claim 12 merely requires that the recited probabilistic neural network be a known type of neural network: a "probabilistic convolutional neural network." *C.f.*, ECF 51-3 at 5:58-60 (listing "a probabilistic convolution neural network" as an example without further explanation, which implies this was -well-known). None of these added limitations change the analysis: under the Federal Circuit's decisions on machine learning and printed matter, all the claims of the '579 patent are ineligible.

D. The '346 Patent Lacks Patent-Eligible Subject Matter

The claims of the '346 patent also automate what student drivers have done for generations: learning to drive and then driving a car. It makes no difference that the '346 patent describes pattern recognition, spatial awareness, and predictions in a computer; the same steps silently occur in the brain of every driver on every drive. The '346 patent has broad claims with functional, result-oriented steps (collecting images, creating statistics, training a model, predicting a state of mind, and driving) implemented on generic computer components. The claims also are predominately directed to printed matter. Under *Alice* and the Federal Circuit's precedent, the claims of the '346 patent are not patentable.

Claim Limitation ('346 Patent - Claim 1)	Human Activity
[1.pre] A method comprising:	N/A
[1.a] **receiving**, by an autonomous vehicle, **sensor data** from sensors mounted on the autonomous vehicle, the sensor data comprising one or more images;	Driver sees road.
[1.b] **generating** a point cloud **representation** of the surroundings of the autonomous vehicle based on the sensor data;	Driver understands road.
[1.c] **identifying**, one or more **traffic entities** based on the sensor data, the traffic entities representing non-stationary objects in traffic in which the autonomous vehicle is driving;	Driver identifies cars on road.

[1.d.1] for each of the one or more traffic entities: **determining** one or more **motion** parameters describing movement of the traffic entity;	For each car…driver determines if car is moving.
[1.d.2] **providing an image** of the one or more images, the image showing the traffic entity as input to a machine learning model configured to receive an input image showing an input traffic entity and output summary statistics of expected human responses describing a hidden context of the input traffic entity shown in the input image;	…driver thinks about other car's goal.
[1.d.3] **determining the hidden context** of the traffic entity based on the output of the machine learning based model;	…driver determines other car's likely goal.
[1.d.4] **determining a region** of the point cloud where the traffic entity is expected to reach within a threshold time interval; and	…driver predicts where other car is currently heading.
[1.e] **modifying the region** based on the hidden context of the traffic entity; and	…driver predicts modified path based on likely goal of other car.
[1.f] **navigating the autonomous vehicle** so that the autonomous vehicle stays at least a threshold distance away from the modified region of each of the one or more traffic entities.	Driver steers to avoid the car.

Under *Alice* Step 1, the independent claims of the '346 patent are directed to the abstract idea of using a machine learning model to drive a car. The Federal Circuit has held that "claims that do no more than apply established methods of machine learning to a new data environment" (*e.g.*, such as driving) are patent ineligible under Section 101. *Recentive*, 134 F.4th at 1211. For Step 2, nothing in any individual limitation or the combination provides an inventive concept. The specification of the '346 patent (which contains much of the same disclosure as the '344 patent family) confirms that these steps may all be performed on generic hardware. *See* section IV.A above. Again, performing specific predictions or calculations on such generic hardware is not patent eligible. *Bd. of Trs. of Leland Stanford Junior Univ.*, 991 F.3d at 1251 (*supra*); *see also SAP Am.*, 898 F.3d at 1163 (*supra*).

Moreover, most of the independent claim limitations are defined by the content of information, *i.e.*, printed matter that is unrelated to its substrate, just like in the other patents. For example, limitation

1[a] is "receiving" sensor data, which is printed matter; limitation [1.b] is "generating" more printed matter (a "representation") based on the first printed matter ("sensor data"); [1.c] is "identifying" something based on the first printed matter; [1.d.1] is "determining" a "parameter," which is also printed matter; [1.d.2] is "providing" more printed matter ("an image") to a model in order to output even more printed matter ("summary statistics"); and [1.d.3] is "determining" additional printed matter ("hidden context") based on the "output" printed matter. The remaining limitations ([1.d.4], [1.e], and [1.f]) are nothing but generic driving steps: "determining" where another car is going, "modifying" where the car is predicted to go (based on the printed matter), and "navigating" accordingly. After excluding printed matter — as required (*Marco Guldenaar*, 911 F.3d at 1162) — all that is left are generic steps.

The dependent claims do nothing to alter this analysis. Claims 2, 3, 11, 12, 20, and 21 each describe predicting whether someone on the road will change the direction that they are moving (*e.g.*, "along the motion vector" or "opposite to the direction of the motion vector"), which is a routine step that human drivers perform constantly. Claims 4-7, 13-16, and 22-23 only restrict what the "hidden context" must represent — such as a "state of mind" or "awareness" of another driver — which is both an abstract idea and printed matter. *See Praxair*, 890 F.3d at 1033 ("Like the information claimed by printed matter, mental steps or processes are not patent eligible subject matter."). Claims 8 and 17 add a trivial post-solution step of generating signals to control the car based on the recited steps, which is also something every human driver does when using a steering wheel. Claims 9 and 18 simply require capturing images with a camera — something entirely conventional — or alternatively the use of a lidar scan, which was also well-known before the '346 patent. ECF 51-4 at 1:36-38 (identifying as ***background*** to the claimed invention that "an autonomous vehicle may perceive the surroundings using camera images and lidar scans"). None of these limitations add anything that would change the outcome that the '346 patent is ineligible under the Federal Circuit's decisions in *Recentive* and the printed matter

cases. *See* 134 F.4th at 1213 (finding ineligible claims where "the only thing the claims disclose about the use of machine learning is that machine learning is used in a new environment")

E. The '046 Patent Lacks Patent-Eligible Subject Matter

The defects with the '046 patent are even more glaring, as the claims are not even limited to driving. Instead, they claim an abstract idea fundamental to humanity: learning. In particular, the claims are directed to the broad concept of training and using a machine learning model, including the step of sending an image and question to human observers to obtain feedback. In this regard, the claims of the '046 patent are indistinguishable from the claims that the Federal Circuit found ineligible in *Recentive*.

Claim Limitation ('046 Patent - Claim 1)	Human Activity
[1.pre] A computer-implemented method comprising:	N/A
[1.a] **storing** a plurality of **images**, each image displaying one or more users;	Collect examples
[1.b.1] **generating training data** from the plurality of images, the generating comprising, for each image: **sending** the **image to** a plurality of **human observers**, each human observer presented with a request to answer a question about a state of mind of a user in the image,	Teacher writes textbook by: Sending pictures to humans with question
[1.b.2] **receiving**, from each of the plurality of human observers, a **response** representing a judgment by the human observer of the state of mind of the user in the image,	Receiving responses from humans
[1.b.3] **generating summary statistics** describing the state of mind of the user in the image based on the received responses from the plurality of human observers, and	Tallying responses as statistics
[1.b.4] **storing the summary statistics** in association with the image as part of the training data;	Compiling statistics in a textbook
[1.c] **training a model** using the training data, the model configured to receive an input image showing a user and predict summary statistics describing a state of mind of the user in the input image; and	Student learns from textbook
[1.d] **executing the trained model** to predict a state of mind of a user in a new image.	Student makes prediction

Under *Alice* Step 1, the independent claims are directed to the abstract idea of training and using a machine learning model generally. The Federal Circuit has rejected similar "machine learning" claims as unpatentable under Section 101. *Recentive*, 134 F.4th at 1211.

For Step 2, nothing in the individual limitations or their combinations is an inventive concept. The specification of the '046 patent (which is the same as the '344 and '889 patents) confirms that these steps (some of which obtain all their value from human input) may all be performed on generic hardware. *See* section IV.A above. Again, performing specific predictions or calculations on generic hardware is not patent eligible. *Bd. of Trs. of Leland Stanford Junior Univ.*, 991 F.3d at 1251 (*supra*); *see also SAP Am.*, 898 F.3d at 1163 (*supra*).

Moreover, as emphasized by the fact that the training method relies on humans inputting their responses to various situations, every limitation in the independent claims of the '046 patent is defined by the content of information, *i.e.*, printed matter. The actions in every step are generic data manipulation — storing, generating, sending, receiving, training, and executing—and, as a consequence, the only possible unique features are the content of the data being manipulated (*e.g.*, the content being stored, the content being generated, etc.). This content, which is a collection of human judgments obtained by asking human observers, is printed matter, and the claims again have nothing to do with the substrate for the printed matter. When this printed matter is excluded from the analysis — as required under *Marco Guldenaar*, 911 F.3d at 1162 — nothing is left beyond generic steps.

The dependent claims add nothing meaningful. Claims 2 and 9 merely require altering images being sent to human observers, which is nothing more than abstract data manipulation, and moreover the content of the image is printed matter. Claims 3, 4, 10, 11, 17, and 18 each further claim a user's state of mind, which is both an abstract idea and printed matter. *See Praxair*, 890 F.3d at 1033 ("Like the information claimed by printed matter, mental steps or processes are not patent eligible subject matter.").

Claims 5, 12, and 19 require that a human observer provide "a rating on an ordinal scale," which is not inventive and remains printed matter. Claims 6 and 13 merely require that the recited model be one of a number of known types of models (e.g., a "simple neural network"). ECF 51-5 at 11:52-59 (providing a basic list of potential models without further explanation, implying the listed models are well-known). Claims 7, 14 and 16 specify that the output printed matter ("summary statistics") should be associated with certain human responses (e.g., "a content of a response"), which is simply more data manipulation and printed matter. None of these additional limitations distinguish the analysis from *Recentive*; the claims of the '046 patent remain ineligible. 134 F.4th at 1214 ("We have also held the application of existing technology to a novel database does not create patent eligibility. […] We think those cases are equally applicable in the machine learning context. ")

F. Perceptive's Conclusory Allegations About Section 101 Are Irrelevant

In response to the Section 101 arguments raised in Tesla's original motion to dismiss 101, the FAC includes over 100 pages of new argument related to eligibility under Section 101. *See* ECF 51, Par. 37 (p. 26) through Par. 74 (p. 46); Par. 100 (p. 68) through Par. 138 (p. 89); Par. 165 (p. 112) through Par. 198 (p.134); Par. 227 (p. 156) through Par. 261 (p. 181); and Par. 288 (p. 201) through Par. 324 (p. 223). These pages are rife with legal conclusions, conclusory statements about the claims, discussions of the patent specifications that are disconnected from the claims, arguments about the state of prior art, arguments about recent USPTO decisions, and arguments about Federal Circuit precedent. For the reasons discussed in Section V, the Court should dismiss the FAC for violating Rule 8(a)(2). Even if the Court does not dismiss (or strike) the FAC for violating Rule 8, it should ignore these new paragraphs as improper legal argument masquerading as factual allegations.

1. Legal conclusion about eligibility are meaningless

It is well established that "the Court is not required to accept the plaintiff's legal conclusions as true." *Torus Ventures*, 2025 WL 1799327 at *1; *see also Simio*, 983 F.3d at 1365. The Court should thus

disregard Perceptive's blanket allegations that "[t]he claims of the [asserted] patent are eligible under 35 U.S.C. § 101." ECF 51, Pars. 37, 100, 165, and 227. The Court should also disregard conclusory allegations that "[t]he claims of the [asserted] patent are not directed to any abstract idea," that asserted claims "do not recite subject matter that is well-understood, routine, or conventional" and that "the limitations of the asserted claims involve an inventive concept." *Id*., Pars. 40, 43, 69, 103, 106, 133, 168, 171, 194, 230, 233, 256, 288, 291, and 318. Perceptive cannot circumvent the two-step *Alice* test by simply alleging that its patents survive the test.

2. Perceptive's allegations do not change what the claims cover

The claims of the Asserted Patents say what they say. *See Synopsys, Inc. v. Mentor Graphics Corp.,* 839 F.3d 1138, 1149 (Fed. Cir. 2016) ("The § 101 inquiry must focus on the language of the Asserted Claims themselves."). Nonetheless, Perceptive dedicates pages and pages of the FAC to a recasting the claims as "improv[ing] the functionality of an autonomous vehicle." *Id*., Pars. 56-61, 119-124, 181-186, 243-248, and 304-310. But nothing Perceptive alleges can change the reality that the claims cover patent ineligible subject matter, like the abstract idea of learning to drive, and printed matter used in an algorithm. As explained above (*supra*, Section IV.A through IV.E), there is nothing in the individual claim limitations or their combination sufficient to transform the abstract idea recited in the claims into patent eligible subject matter.

Perceptive's allegations that the claims "improve[] the functionality of an autonomous vehicle" is irrelevant. Even assuming that the abstract steps and printed matter in the claims did "improve[] the functionality of an autonomous vehicle," such an improvement is not sufficient to confer patent eligibility. *See Bd. of Trs. of Leland Stanford Junior Univ.*, 991 F.3d at 1251. The improved predictions for autonomous vehicles that Perceptive alleges are indistinguishable from abstract improvements that the Federal Circuit has previously rejected; that is, "improving the accuracy of a mathematically

calculated statistical prediction" does not confer patent eligibility. *Id.*

3. The claims do not reflect the alleged advantages in the specification

Perceptive's allegations in the FAC about purported improvements in the specifications do not change the Section 101 analysis. *See* ECF 51, Pars. 62-67, 126-131, 187-192, 249-254, and 311-316. No matter what Perceptive alleges, it remains the job of the Court to "determine[] whether the claims captured the improvements in the specification." *Intell. Ventures II LLC v. Sprint Spectrum, L.P.*, No. 217CV00661JRGRSP, 2019 WL 7580245, at *2 n.1 (E.D. Tex. May 2, 2019) (citing *Berkheimer v. HP Inc.*, 881 F.3d 1360, 1369 (Fed. Cir. 2018)). And the claims do not reach the level of detail needed to capture any of the specific improvements that Perceptive alleges are in the specification. Put another way: even if the specification describes an improvement over conventional techniques for predicting "whether one person will cross the street," nothing in the claims recite such an improvement nor how such an improvement is made. *C.f.*, ECF 51, Pars. 45, 108, 293.

4. Allegations about industry activity do not show that the claims are patent eligible

Perceptive suggests in the FAC that the activities of Tesla and other companies pursuing self-driving cars show that the claims at issue are patent eligible. *See* ECF 51 Pars. 50-52, 70-74, 113-115, 133-138, 174-177, 195-199, 236-239, 257-261, 298-300, and 319-324. But such activity is irrelevant to whether Perceptive's claims are patent eligible.

First, there is no connection between the public adoption of self-driving cars and patent eligibility. *Contra id.*, Pars. 50-52, 71-73, 113-115, 135-138, 174-177, 196-199, 236-239, 258-261, 298-300. Public efforts to establish the safety and reliability of self-driving cars are influenced by many factors (e.g., economic, political, and public) that have nothing to do with the claims in this case or patent eligibility.[3]

[3] Indeed, Perceptive's own allegations confirm that the purported improvements in the Asserted Patents do not solve the risks and challenges involved in self-driving cars. Specifically, to allegedly show a need for improved self-driving technology, Perceptive cites to reports from October 31, 2025 — ***after*** Perceptive sued Tesla — of Tesla Robotaxis being involved in

Second, Perceptive points to Tesla's patents as evidence that its patents are patent eligible. *Id.*, Pars. 70, 133, 195, 257, 319. But Tesla's patents have no bearing on whether Perceptive's patents survive under Section 101. Tesla's patents have completely different claim language necessitating independent analysis. Moreover, it is entirely unremarkable that the USPTO granted patents to Tesla. After all, the USPTO granted the asserted patents, and the USPTO granted each patent that has ever been found ineligible by a court. Regardless of the USPTO's grant, it remains the role of this Court to evaluate the claims of the asserted patents under the Federal Circuit's Section 101 precedent.

5. Allegations about Ex parte Desjardins have no bearing on this case

Perceptive also dedicates five paragraphs to quoting from a recent decision from the USPTO about the eligibility of an unrelated patent application on artificial intelligence. ECF 51, Pars. 53, 116, 178, 240, and 301. The decision that Perceptive quotes (*Ex parte Desjardins*) has no connection to this case, and it is not clear what Perceptive is alleging. The quoted section focuses on policy guidance for Examiners to prioritize Sections 102, 103 and 112 rejections. *See id.* But the USPTO prioritizing Sections 102, 103 and 112 has no bearing on this Court's application of Section 101 case law.

6. Perceptive's allegations about case law are misguided

The case law citations that Perceptive added to the FAC also do not impact the Section 101 analysis. *See* ECF 51, Pars. 68, 132, 193, 255, and 317. Besides circumventing the Local Rules' page limits on motion briefing, these citations are legal conclusion, and "the Court is not required to accept the plaintiff's legal conclusions as true." *Torus Ventures*, 2025 WL 1799327 at *1.

On their merits, Perceptive's citations to case law in the FAC do not show that the Asserted Patents claim eligible subject matter. As an initial matter, Perceptive quotes a long section from a district

collisions. *See* ECF 51-27. But these are accused products that supposedly already benefit from the claimed inventions. The accused products being involved in collisions confirms that the Asserted Patents do ***not*** solve problems with self-driving cars relative to the prior art.

court case from Delaware, *Evolved Wireless, LLC v. Apple Inc.*, that is not binding on this Court. ECF 51, Pars. 68, 132, 193, 255, and 317 (*quoting* 221 F. Supp. 3d 485, 491 (D. Del. 2016)). Moreover, the quote from *Evolved Wireless* is inapplicable to this case; Tesla is not arguing that all software is "inherently abstract." *Contra id*. The generalized statements from the District of Delaware are also outdated, as the Federal Circuit has continued to refine the guidance from *Enfish* about "improving the functioning of a computer." *Id*; *Enfish, LLC v. Microsoft Corp.*, 822 F.3d 1327, 1335 (Fed. Cir. 2016). In particular, the Federal Circuit has made a distinction between technical improvements, and improvements that remain abstract. *See Bd. of Trs. of Leland Stanford Junior Univ.*, 991 F.3d at 1251. Unlike technical improvements, "[t]he different use of a mathematical calculation, even one that yields different or better results, does not render patent eligible subject matter." *Id*. Following the Federal Circuit's guidance in *Leland Stanford Junior University*, and notwithstanding *Evolved Wireless*, the improved statistical predictions that Perceptive identifies as novel are exactly the type of abstract improvement that the Federal Circuit has found inadequate under Section 101. *See id*.

VI. PERCEPTIVE'S COMPLAINT DOES NOT COMPLY WITH RULE 8

Perceptive's original Complaint was 121 paragraphs and 80 pages long. After Tesla moved to dismiss (ECF 30), Perceptive filed the FAC to moot Tesla's motion. The FAC does not add any new patents or causes of action (other than brief willful infringement allegations premised on the original Complaint). The FAC, however expanded to a staggering 336 paragraphs and 228 pages. Thus, the FAC, despite having no additional patents and only a few scant new references to willful infringement, is almost three times as long as the original Complaint. The excessive length of the FAC circumvents the Court's page limits on briefing and, if the FAC stands, imposes an exceptional burden on Tesla to provide responsive pleading under Rules 8(b)(1)(B) and 8(b)(2-6)..

Federal Rule 8(a)(2) provides that "[a] pleading that states a claim for relief must contain . . . a short and plain statement of the claim." The FAC is not short, and the FAC is not plain. The FAC is

exceptionally and unnecessarily long and complex, which creates an unreasonable burden for this Court and Tesla. The repetitive morass of Section 101 allegations in the FAC does not comply with the letter or the spirit of Rule 8. These paragraphs include a confusing mix of factual allegations, attorney argument, legal conclusions, and offhand observations. Even if individual sentences within the over one hundred pages of Section 101 allegations could be construed as factual allegations, it is not proper for Perceptive to bury factual allegations among pages of attorney arguments and legal conclusions. "[T]he law does not require, nor does justice demand, that a judge must grope through (thousands of) pages of irrational, prolix and redundant pleadings." *Gordon v. Green*, 602 F.2d 743, 746 (5th Cir. 1979) (quoting *Passic v. State*, 98 F. Supp. 1015, 1016 (E.D. Mich. 1951)).

In addition to the clear violation of Rule 8, dismissal of the FAC is also appropriate because Tesla is prejudiced by Perceptive's tactic of including lengthy briefing on Section 101 in the FAC. Under the Local Rules, Perceptive would not be allowed to submit over one hundred pages of briefing in opposition to Tesla's original motion to dismiss. See L.R. CV-7(a)(1) (limiting responses to dispositive motions to thirty pages). Simply put, Perceptive should not be allowed to circumvent the Local Rules by adding one hundred pages of attorney arguments and case law into the FAC. Dismissal is appropriate under Rule 8(a) and Rule 12(b)(6).[4]

VII. CONCLUSION

For all the foregoing reasons, Tesla respectfully requests that the Court (a) dismiss the claims directed to the '889, '579, and '046 patents under Rule 12(b)(3) for improper venue; (b) dismiss all claims under Rule 12(b)(6) for failure to state a claim related to unpatentable subject matter; and (c) dismiss all claims for violating Rule 8(a)(2).

[4] As an alternative to dismissal under Rule 8 and Rule 12(b)(6), this Court could strike the Amended Complaint under its inherent authority under Rule 12(f) to strike a pleading that include redundant, immaterial, impertinent, or scandalous matter.

Dated: December 15, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that counsel of record who are deemed to have consented to electronic services are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this the 15th day of December 2025.

/s/ Roger Fulghum
Roger Fulghum

Perceptive Exhibit 2039
IPR2025-01576

CERTIFICATE OF COMPLIANCE WITH THE COURT'S
35 U.S.C. § 101 MOTION PRACTICE ORDER

_____ The parties **agree** that prior claim construction is not needed to inform the Court's analysis as to patentability.

__X_ The parties **disagree** on whether prior claim construction is not needed to inform the Court's analysis as to patentability.

/s/ Roger Fulghum
Roger Fulghum