UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TESLA, INC.

Petitioner

v.

BULLETPROOF PROPERTY MANAGEMENT, LLC.

Patent Owner.

IPR2026-00229
Patent 12,240,458

PATENT OWNER'S SUR-REPLY IN RESPONSE TO PETITIONER'S REPLY

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I. The Claims' Plain Language Supports PO's Constructions

Under the *Phillips* standard, Patent Owner submits a POSITA would understand that the claimed response by claim 11's controller (called "drive system" in claim 1) is to ***driver*** steering input, not to controller (its own) input. Hardwired in Petitioner's claim construction positions (and Petition in general) is the incorrect assumption of a fully-autonomous vehicle, and that any manual operation of a vehicle is an additional limitation. While Petitioner Tesla may believe this, a POSITA would understand the exact opposite. The claims do not recite a fully-autonomous vehicle, or even a partially-autonomous vehicle. They recite "A motor vehicle" in both claims 1 and 11. Additional limitations are then claimed to the driver-operated vehicle, including a controller operable to select a direction in response to driver input. Everything in the language of claim 1 mandates that steering angle movements must be by the driver, as no limitation exists concerning the controller driving the car, let alone responding to its own steering angle movements. Moreover, claim 1's explanation that the drive system is selecting a direction "without operator indication of a direction" confirms that this limited automation limitation is the ***exception***, not the rule. If full automation was assumed or claimed, ***there would be no need to mention an operator at all***.

Petitioner's reliance on *Magnolia Med. Techs., Inc. v. Kurin, Inc.*, (and the '104 Patent) is misplaced for several reasons. Frist, it relies on Magnolia's primary (and losing) argument. *See, e.g.*, *Magnolia Med. Techs., Inc. v. Kurin, Inc.*, 169 F.4th 1094,

1104 (Fed. Cir. 2026) ("We are not convinced. Although the 'vent' and 'seal' are explicitly recited as separate structures in claim 6, that does not mean that claim 1 must be broader in that respect and therefore include the situation in which 'vent' and 'seal' are not separate.") Second, *Magnolia* concerned dependently-related claims 1 and 6 within a single patent (the '483 patent), not two different independent claims contained in two different patents at issue here. This is contrary to proper claim construction principles. *See Vascular Sols. LLC v. Medtronic, Inc.*, 117 F.4th 1361, 1370 (Fed. Cir. 2024) ("The district court's conclusion, in effect, means that (1) claims in a patent cannot vary in the way they claim the disclosed subject matter, and (2) independent claims must be totally consistent with other independent claims. Claiming is not restricted in this way.").[1]

II. Petitioner's Claim Construction Positions Lack Specification Support

Petitioner acknowledges "the specification [] describe[s] examples[2] of a driver steering the vehicle." Reply at 2. In conjunction with the above, this disclosure supports Patent Owner's constructions (and that its constructions are, in fact, the plain and ordinary meaning). In contrast, Petitioner states that the specification

[1] Additionally, the Office issued a double patenting rejection in the '104 Patent's application, clearly cutting against Petitioner's argument that the language in the '104 Patent was a new limitation not found previously in the '458 Patent family.

[2] The specification is replete with examples of driver operation. EX1001 at Abstract (operation by a driver); 2:51 ("direct mechanical control by the driver"); 2:62 ("when a driver backs out,"); 4:42 ("train cautious driver behavior"); 3:65 ("typical drivers"); 3:67 ("typical driver behavior"), etc. In fact, "driver" is referred to at least 31 times in the specification.

acknowledges that autonomous control by the controller may be implemented "in some instances" to move the steering wheel. EX1001 at 2:49 As explained above, this automation is not claimed.

Significantly, Petitioner's failure to provide any support for its arguments is fatal to its own position. Petitioner attempts to explain how a controller can respond to its own steering angle movements. Reply § I(C). Allegations that the specification discloses "autonomous steering of the exact kind PO now seeks to exclude" deliberately misses the point; Petitioner supplies no specification support for a construction in which a controller can respond to itself. Instead, Petitioner relies on disclosures in ***Joos***. *Id*. Petitioner's reliance on ***Joos*** confirms and admits that such disclosure is not present in the specification at issue. Petitioner's misguided construction arguments are a transparent attempt to errantly incorporate an automated process to fit the Challenged Claims. Moreover, as explained in Patent Owner's Preliminary Response, these arguments fail of their own accord. *See* POPR at 8-12. ***Joos*** is merely performing a static pre-determined automated unparking maneuver.

III. The Petition is Doomed based on PO's Proper and Correct Claim Construction

All grounds in the Petition rely on ***Joos***, a fully automated unparking process, as the primary prior art reference. Thus, Patent Owner's proper and correct claim construction defeats all grounds because no prior art reference, alone or in combination, discloses or renders obvious limitations 1[f] and 11[f]. These grounds also fail for the reasons and authorities stated in Patent Owner's Preliminary Response.

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on June 5, 2026, the foregoing Patent Owner's Preliminary Sur-Reply has been served on the Petitioner's counsel of record via email, at the following email addresses:

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