

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

<b>INTELLECTUAL VENTURES II LLC,</b>	)	
	)	
Plaintiff,	)	C.A. No. 6:24-cv-188-ADA
	)	
v.	)	
	)	JURY TRIAL DEMANDED
<b>TESLA, INC.,</b>	)	
	)	
Defendant.	)	
	)	

**PLAINTIFF’S DISCLOSURE OF  
PRELIMINARY INFRINGEMENT CONTENTIONS**

Pursuant to the Joint Notice Regarding Preliminary Contentions (Dkt. 19) and P.R. 3-1 and 3-2, Plaintiff Intellectual Ventures II LLC ( “Plaintiff” or “IV”), hereby provides its Initial Infringement Contentions to Defendant Tesla, Inc. (hereinafter, “Defendant” or “Tesla”) for U.S. Patent Nos. 7,336,805 (“the ’805 Patent”), 9,706,500 (“the ’500 Patent”), 10,292,138 (“the ’138 Patent”), 10,952,153 (“the ’153 Patent”), 8,898,395 (“the ’395 Patent”), 10,136,416 (“the ’416 Patent”), 7,916,180 (“the ’180 Patent”), 9,232,158 (“the ’158 Patent”), and 7,181,743 (“the ’743 Patent”), 6,894,639 (“the ’639 Patent”), 11,206,670 (“the ’670 Patent”), 11,664,889 (“the ’889 Patent”) (collectively, the “Asserted Patents” or “Patents-in-Suit”).

IV makes this disclosure based on the information presently available to it. Discovery in this case has not started, and IV reserves its right to amend or supplement these disclosures as permitted by the Federal Rules of Civil Procedure, by the local rules of the Western District of Texas, and by order of the Court, including the Scheduling Conference Order.

For each Asserted Patent, Plaintiff identifies the following Accused Instrumentalities of which it is currently aware. The identification of Accused Instrumentalities is based on Plaintiff’s research and analysis to date, without the benefit of discovery from the Defendant. Plaintiff reserves the right to add, delete, substitute or otherwise amend this list of Accused

Instrumentalities based on discovery or other circumstances, in a manner consistent with the Federal Rules of Civil Procedures, local rules, and standing order.

The Accused Instrumentalities include, without limitation, the following:

- The '805 Patent. The Accused Instrumentalities include, without limitation, Tesla automotive vehicles that are equipped with Autopilot technology, and all past, current and future Tesla products that operate in the same or substantially similar manner as the specifically identified products and components, and all past, current and future Tesla products that have the same or substantially similar features as the specifically identified products and components. Exhibit 1.
- The '500 Patent. The Accused Instrumentalities include, without limitation, Tesla automotive vehicles that are equipped with Connectivity features, and all past, current and future Tesla products that operate in the same or substantially similar manner as the specifically identified products and components, and all past, current, and future Tesla products that have the same or substantially similar features as the specifically identified products and components. Exhibit 2.
- The '138 Patent. The Accused Instrumentalities include, without limitation, Tesla automotive vehicles that are equipped with Connectivity features and all past, current and future Tesla products that operate in the same or substantially similar manner as the specifically identified products and components, and all past, current and future Tesla products that have the same or substantially similar features as the specifically identified products and components. Exhibit 3.
- The '153 Patent. The Accused Instrumentalities include, without limitation, Tesla automotive vehicles that are equipped with Connectivity features, and all past, current, and future Tesla products that operate in the same or substantially similar manner as the specifically identified products and components, and all past, current and future Tesla products that have the same or substantially similar features as the specifically identified products and components. Exhibit 4.
- The '395 Patent. The Accused Instrumentalities include, without limitation, Tesla automotive vehicles that are equipped with a computer system that includes memory management features, and all past, current and future Tesla products that operate in the same or substantially similar manner as the specifically identified products and components, and all past, current and future Tesla products that have the same or substantially similar features as the specifically identified products and components. Exhibit 5.
- The '416 Patent. The Accused Instrumentalities include, without limitation, Tesla automotive vehicles that are equipped with Connectivity features, and all past, current and future Tesla products that operate in the same or substantially similar manner as the specifically identified products and components, and all past, current and future Tesla products that have the same or substantially similar features as the specifically identified products and components. Exhibit 6.

- The '180 Patent. The Accused Instrumentalities include, without limitation, Tesla automotive vehicles that are equipped with Autopilot technology, and all past, current and future Tesla products that operate in the same or substantially similar manner as the specifically identified products and components, and all past, current, and future Tesla products that have the same or substantially similar features as the specifically identified products and components. Exhibit 7.
- The '158 Patent. The Accused Instrumentalities include, without limitation, Tesla automotive vehicles that are equipped with Autopilot technology, and all past, current and future Tesla products that operate in the same or substantially similar manner as the specifically identified products and components, and all past, current and future Tesla products that have the same or substantially similar features as the specifically identified products and components. Exhibit 8.
- The '743 Patent. The Accused Instrumentalities include, without limitation, Tesla infrastructure for supporting Tesla automotive vehicles, and all past, current and future Tesla products that operate in the same or substantially similar manner as the specifically identified products and components, and all past, current and future Tesla products that have the same or substantially similar features as the specifically identified products and components. Exhibit 9.
- The '639 Patent. The Accused Instrumentalities include, without limitation, Tesla automotive vehicles that are equipped with Autopilot technology, and all past, current and future Tesla products that operate in the same or substantially similar manner as the specifically identified products and components, and all past, current, and future Tesla products that have the same or substantially similar features as the specifically identified products and components. Exhibit 10.
- The '670 Patent. The Accused Instrumentalities include, without limitation, Tesla automotive vehicles that are equipped with Connectivity features, and all past, current and future Tesla products that operate in the same or substantially similar manner as the specifically identified products and components, and all past, current, and future Tesla products that have the same or substantially similar features as the specifically identified products and components. Exhibit 11.
- The '889 Patent. The Accused Instrumentalities include, without limitation, Tesla automotive vehicles that are equipped with Connectivity features, and all past, current and future Tesla products that operate in the same or substantially similar manner as the specifically identified products and components, and all past, current and future Tesla products that have the same or substantially similar features as the specifically identified products and components. Exhibit 12.
- All past, current and future Tesla products and services that operate in the same or substantially similar manner as the specifically identified products and services above and described in

Exhibits 1-12 (claim charts identifying specifically where each element of each asserted claim is found within each Accused Instrumentality).

- All past, current and future Tesla products and services that have the same or substantially similar features as the specifically identified products and services above and described in Exhibits 1-12, (claim charts identifying specifically where each element of each asserted claim is found within each Accused Instrumentality).

Plaintiff's infringement contentions apply to the Accused Instrumentalities as well as all other past, current and future hardware and software products and services developed, made, used, offered for sale, sold, imported, and provided by Tesla that contain or make use of the Patented Technology.<sup>1</sup> This identification of Accused Instrumentalities is based upon Plaintiff's diligent investigation to date, and without the benefit of any discovery from the Defendant and without the benefit of the Court's claim construction. Plaintiff expressly reserves the right to add, delete, substitute or otherwise amend this list of Accused Instrumentalities based on discovery, the Court's claim construction, or other circumstances, in a manner consistent with the Federal Rules of Civil Procedure and the Court's rule, including the local Patent Rules.

These preliminary infringement contentions are based upon publicly-available information and Plaintiff's diligent investigation to date, and without the benefit of any substantial discovery from the Defendant and without the benefit of the Court's claim construction. Plaintiff anticipates that discovery may provide additional evidence of Defendant's infringement, may lead to the discovery of additional instances of infringement, and may also enable identification of additional claims that are infringed by Defendant.

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<sup>1</sup> "Patented Technology" means all technologies described in the claims of the Patents-in-Suit.

Based upon currently available information, IV asserts that Tesla has infringed and/or continues to infringe the patents and claims identified in the attached claim charts (the “Asserted Claims” of the Patents-in-Suit). Infringement claim charts evidencing the correspondence between (i) the elements of the Asserted Claims, and (ii) the corresponding items of the accused products are attached hereto. Further, Exhibits 1-12, which are attached hereto and incorporated by reference, are exemplary infringement claim charts identifying specifically where each limitation of each Asserted Claim is found within each Accused Instrumentality or practiced by each Accused Instrumentality.

Plaintiff asserts that Defendant has directly infringed and continues to directly infringe the Asserted Claims literally through the Accused Instrumentalities by making, using, offering for sale, selling, and/or importing into the United States the Accused Instrumentalities. To the extent that Defendant alleges that one or more limitations of the Asserted Claims are not literally found in the Accused Instrumentalities, Plaintiff alleges that such limitations are found in or practiced by the Accused Instrumentalities under the doctrine of equivalents. Any differences alleged to exist between any of the Asserted Claims and any of the Accused Instrumentalities are insubstantial and that each Accused Instrumentality also meets each limitation under the doctrine of equivalents as the identified features of the Accused Instrumentality performs substantially the same function in substantially the same way to achieve substantially the same result as the corresponding claim limitation. IV reserves the right to assert infringement solely under the doctrine of equivalents with respect to any particular claim element(s), if warranted by discovery, further analysis, and/or claim constructions in this case.

These assertions are based upon Plaintiff’s diligent investigation to date, and without the benefit of any substantial discovery from the Defendant and without the benefit of the Court’s claim construction. Plaintiff reserves the right to add, delete, substitute or otherwise amend these

infringement allegations based on discovery, the Court's claim construction, or other circumstances, in a manner consistent with the Federal Rules of Civil Procedure and the Court's rules, including the local Patent Rules.

Plaintiff further asserts that Defendant has indirectly infringed and continues to indirectly infringe by actively inducing infringement of one or more of the claims of the Asserted Patents through the Accused Instrumentalities. Plaintiff further asserts that Defendant has indirectly infringed and continues to indirectly infringe by contributory infringement by (at least) providing replacement parts to Tesla vehicles and repair facilities by least making components that suitable for direct infringement that do not have any substantial non-infringing use.

Plaintiff also asserts that these third-parties directly infringe at least one or more of the claims of the Asserted Patents through the manufacture, use, sale, offer to sell, or importation of the Accused Instrumentalities.

For example, Defendant has actively induced infringement by encouraging the use of the Accused Instrumentalities in ways that infringe each Asserted Claim. Defendant knew or should have known that such encouragement would induce infringement. Defendant has taken active steps with the specific intent to encourage and cause others to use each Accused Instrumentality in ways that infringes each Asserted Claim. Such active steps by Defendant with specific intent to induce infringement have included, among other things, advertising, promoting, marketing, making available for use, offering to sell, and/or selling the Accused Instrumentalities to others; encouraging and influencing others to import, offer to sell, and/or sell the Accused Instrumentalities; directing and instructing others to use the Accused Instrumentalities in infringing ways, including providing and promoting the described hardware and/or software components and features that when used in their normal and customary ways as intended and design infringe; and by providing the Accused Instrumentalities to others. Tesla has performed the

aforementioned active steps with the knowledge of the Asserted Patents through receipt of a letter dated April 11, 2024 and received by Defendant on the same date, and also as of the date when the complaint in this case was filed. Tesla has known or should have known that the acts it has induced constitute infringement because, for instance, it has been aware that end users and resellers will purchase the Accused Instrumentalities and use them, resulting in direct infringement.

IV further reserves the right to supplement or revise its infringement contentions and/or charts. Such supplement may be based upon, for example, further discovery. Further, IV reserves the right to supplement or revise its infringement contentions and/or chart, including identification of additional asserted claims, based on, for example, new versions or variations of one or more of the accused products that are later discovered.

Each of the Asserted Claims of the '805 Patent is entitled to a priority date of no later than June 16, 2004. Each of the Asserted Claims of the '500 Patent is entitled to a priority date of no later than August 12, 2004. Each of the Asserted Claims of the '138 Patent is entitled to a priority date of no later than May 8, 2006. Each of the Asserted Claims of the '153 Patent is entitled to a priority date of no later than Aug. 12, 2004. Each of the Asserted Claims of the '395 Patent is entitled to a priority date of no later than Apr. 7, 2005. Each of the Asserted Claims of the '416 Patent is entitled to a priority date of no later than September 27, 2007. Each of the Asserted Claims of the '180 Patent is entitled to a priority date of no later than August 25, 2005. Each of the Asserted Claims of the '158 Patent is entitled to a priority date of no later than August 25, 2005. Each of the Asserted Claims of the '743 Patent is entitled to a priority date of no later than May 24, 2001. Each of the Asserted Claims of the '639 Patent is entitled to a priority date of no later than December 18, 1991. Each of the Asserted Claims of the '670 Patent is entitled to a priority date of no later than January 20, 2012. Each of the Asserted Claims of the '889 Patent is entitled to a priority date of no later than December 27, 2006. The subject matter described by the Asserted

Claims, however, may have been conceived and reduced to practice prior to these dates. Plaintiff's research and analysis is ongoing and Plaintiff reserves the right to assert that the claims are entitled to a priority date that is earlier than the above dates.

Dated: August 1, 2024

Respectfully submitted,

By: /s/ Jonathan K. Waldrop

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument was served or delivered electronically, via email, to all counsel of record, on this 1st day of August 2024.

/s/ Jonathan K. Waldrop  
Jonathan K. Waldrop