

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TOYOTA MOTOR CORP. AND KIA CORPORATION,
Petitioners,

v.

EMERGING AUTOMOTIVE LLC,

Patent Owner.

Case No. IPR2026-00059
U.S. Patent No. 11,104,245

**PETITIONERS' OPPOSITION TO PATENT OWNER'S REQUEST FOR
DISCRETIONARY DENIAL OF INSTITUTION**

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I. INTRODUCTION

The Director should deny Patent Owner's request for discretionary denial (Paper 8) ("PO DD Request") because this *inter partes* review was filed just four years after the '245 patent issued, concerns a patent family whose materially similar claims have already been found unpatentable by the Board, the related district court litigation remains at an early stage, and the Board's review is projected to conclude with a final written decision by April 2027—months before the scheduled July 2027 trial in the Eastern District of Texas.

Petitioners challenged the '245 patent four years after its issuance and only ten weeks after Patent Owner filed suit. There are no settled expectations in the validity of this patent. To the contrary, the Director has found that patents issued less than six years ago "have not been in force for a significant period of time . . . , and, accordingly, Patent Owner has not developed strong settled expectations," which weighs against denial. *See, e.g., Samsung Elecs. Co. v. Wilus Inst. of Standards & Tech. Inc.*, IPR2025-00935, Paper 12 at 2 (Sep. 26, 2025) (declining discretionary denial when "the challenged patents have not been in force for a significant period of time (issued in 2021 and 2023), and, accordingly, Patent Owner has not developed strong settled expectations that favor discretionary denial as to these patents"); *Samsung Elecs. Co. v. Wilus Inst. of Standards & Tech. Inc.*, IPR2025-00933, Paper 11 at 3 (Oct. 10, 2025) (finding "Patent Owner has not developed strong settled

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expectations” where “most challenged patents issued between 2020 and 2023”); *Cambridge Indus. USA, Inc. v. Applied Optoelects., Inc.*, IPR2025-00434, Paper 11 at 2-3 (Director June 26, 2025) (patent that issued in 2019 “ha[d] not developed strong settled expectations”); *Berkshire Hathaway Energy Co. v. Birchtech Corp.*, IPR2025-00274, Paper 23 at 2-3 (Director July 2, 2025) (same for patents that “issued in 2019 and 2020”).

Importantly, the '245 patent belongs to a family in which the Board has already invalidated all materially similar e-key claims of the related '188 patent over the Kleve reference, and the related '659 patent is currently under Board review and separately under final rejection in *ex parte* reexamination. That track record further underscores the absence of any reasonable reliance interest in the '245 patent.

Timing and efficiency also strongly favor institution. The district court case is at an early stage, with a Markman hearing not scheduled until January 19, 2027, and trial set for July 2027. The Board's review here is projected to result in a final written decision by April 2027—months before trial. Petitioners have further stipulated (Paper 7) that they will not pursue in district court any ground raised, or that reasonably could have been raised, in this IPR, eliminating any risk of duplicative litigation or inconsistent outcomes. Where the Board can resolve patentability first on a full record—and has already addressed the same family and prior art—discretionary denial would undermine, not promote, efficiency.

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Patent Owner's remaining theories for discretionary denial fare no better.

First, Patent Owner contends that Petitioners have taken "inconsistent claim construction positions" regarding "privileges" / "conditions of use" in litigation involving related patents. That is incorrect. Petitioners' proposal of plain and ordinary meaning for all terms is entirely consistent with the court's adoption of the plain and ordinary meaning of "privileges" / "conditions of use," with the clarification that those terms do not extend to "unfettered access."

Further, the district court has not yet construed any claim terms of the '245 patent. The *Revvo* and *Tesla* decisions—both involving alleged inconsistencies concerning the same patent—have no application here. The court's constructions are entirely consistent with the Petitions' prior art mapping—and PO does not show otherwise. In fact, in a recent final written decision involving the same parties and closely related subject matter, the Board invalidated all challenged claims under a plain-and-ordinary-meaning framework, with Patent Owner raising no dispute as to the meaning of "privileges" / "conditions of use"—underscoring that no genuine dispute exists regarding these terms. IPR2024-00981, Paper 36.

Second, Patent Owner asserts that the Petition is "weak," arguing that Kleve's "matrix barcode" cannot encode a unique value based on an unsubstantiated and dubious understanding of how QR codes work, and misconstruing the Petition's grounds. PO DD Request at 10-12. Patent Owner is incorrect. The Petition identifies

prior art for each challenged limitation and explains, with expert support, how each limitation is met. In any event, Patent Owner presents merits disagreements solely through attorney argument. This is not a showing that the Petition lacks sufficient strength to warrant institution. After all, the Board already invalidated all materially similar e-key claims of the related '188 patent over the same Kleve reference. IPR2024-00981.

Third, Patent Owner invokes 35 U.S.C. § 325(d), asserting that the prior art was previously considered. As explained below, however, the Office did not evaluate the specific combinations and statutory challenges presented here, including the combined teachings of Kleve and Mottla as supplemented by Goudy, and the '245 patent issued based on several material errors.

For these reasons, Petitioners respectfully request that the Director deny PO's request for discretionary denial and refer this IPR to the Board on the merits.

II. ARGUMENT

A. Patent Owner Has No Settled Expectations: Petitioners Brought Their IPR Challenge Shortly After the '245 Patent's Issuance

Patent Owner has no settled expectations in the '245 patent. The '245 patent issued Aug. 31, 2021 (EX1001, cover page), was first asserted in litigation on August 12, 2025 (EX2008), and was challenged in this IPR approximately ten weeks after Patent Owner filed suit. Tellingly, Patent Owner chose not to include the '245

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patent in the first district court case it brought against Petitioners, even though the patent issued two years prior. Patent Owner instead reserved this second-string patent for its second lawsuit.

These facts alone weigh strongly against discretionary denial. As the Director and the Board have repeatedly explained, early challenges occur close in time to examination and before expectations in patent rights are strongly settled. *See, e.g., Cambridge Indus. USA, Inc. v. Applied Optoelects., Inc.*, IPR2025-00434, Paper 11 at 2-3 (Acting Director June 26, 2025). Patent Owner has no settled expectations in the '245 patent, which issued Aug. 31, 2021 (EX1001, cover page), was first asserted in litigation on August 12, 2025 (EX2008), and was challenged in this IPR approximately ten weeks after Patent Owner filed suit.

This case presents even stronger grounds. The '245 patent belongs to a family in which materially similar claims have already been found unpatentable by the Board. In a prior *inter partes* review, the Board invalidated all materially similar key claims of the related '188 patent over Kleve. IPR2024-00981, Paper 36. The related '659 patent is currently under Board review (IPR2024-01167) and has also been finally rejected in *ex parte* reexamination (EPR No. 90/019,456; EX1019). That track record eliminates any reasonable reliance interest in the validity of the '245 patent and confirms that no settled expectations could have formed for this family of claims.

B. The *Fintiv* Timing and Efficiency Factors Weigh Against Discretionary Denial

A holistic analysis under *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 (PTAB Mar. 20, 2020) (precedential) confirms discretionary denial is unwarranted.

1. Factor 1 — Whether the District Court Has Indicated It Will Grant a Stay

The district court has not denied a stay or otherwise indicated that a stay would be unavailable. Patent Owner speculates that a stay would be denied, but the Board does not credit such speculation. Where a court has not expressed a view, this factor is neutral. *See Nikon Corp. v. Optimum Imaging Techs., LLC*, IPR2024-01372, Paper 17 at 10–11 (PTAB Apr. 23, 2025); *Sand Revolution II*, IPR2019-01393, Paper 24 at 7 (PTAB Jun. 16, 2020). Moreover, in the earlier related action involving this same patent family, the court granted a joint stay pending PTAB review—confirming that stays are realistically available in this litigation. Petitioner Toyota has again requested a stay of the district court litigation, which remains pending. With only three patents at issue in the second district court case, institution of the petitions would be highly likely to result in a stay. In the earlier litigation, a first motion to stay was denied only due to the PTAB's decision not to institute one of the five patents asserted; a decision which the PTAB later agreed was wrongly decided but nonetheless decided not to institute based on *Fintiv* in view of the

forthcoming trial date. IPR2024-00785, Paper 13 at 2. Such concerns are not at issue here. This factor is at worst neutral and does not support discretionary denial.

2. Factor 2 — Proximity of Trial Date to the Board's Final Written Decision

The Markman hearing is scheduled for January 19, 2027, and trial is scheduled for July 2027. The Board's Final Written Decision here is due by April 2027, months before trial. Thus, the Board is expected to resolve patentability first—precisely the circumstance where discretionary denial is disfavored. *See, e.g.*, IPR2024-01420, Paper 12 at 44–45 (granting institution where projected FWD preceded trial); IPR2025-00148, Paper 7 at 44 (same). This factor weighs strongly against discretionary denial.

3. Factor 3 — Investment in the Parallel Litigation

At the time of the institution decision, the district court will have made no investment in this case. The Court will not yet have held a Markman hearing (scheduled for January 19, 2027), and claim construction will not even be underway. Fact discovery will be ongoing and expert discovery will not be completed before March 29, 2027. This does not constitute “substantial investment” under *Fintiv*.

Petitioners also acted with significant diligence—filing this IPR within approximately ten weeks of suit—preventing the case from maturing before PTAB review. This factor weighs strongly against discretionary denial.

4. Factor 4 — Overlap Between Issues and Petitioners' Stipulation

Petitioners have filed a broad *Sotera* stipulation agreeing not to pursue in district court any invalidity ground that was raised or reasonably could have been raised in this IPR. Paper 7. That eliminates any risk of duplication or inconsistent rulings and strongly favors institution. This factor weighs heavily against discretionary denial.

5. Factor 5 — Whether the Parties Are the Same

When the Petitioners are the same as the named defendants in the district court litigation, the Board has found that this factor adds “little if anything to the discretionary denial analysis.” *See, e.g., Aylo Freesites Ltd. f/k/a MG Freesites Ltd. v. WellcomeMat, LLC*, IPR2024-00710, Paper 13 at 17–18 (PTAB Sept. 5, 2024); *see Shenzhen Root Tech. Co. v. Chiaro Tech. Ltd.*, IPR2024-01296, Paper 9 at 19–20 (PTAB Feb. 25, 2025). This factor is neutral and does not outweigh the strong countervailing factors favoring institution.

6. Factor 6 — Other Circumstances, Including Merits and Efficiency

Efficiency strongly favors institution for three independent reasons.

First, this IPR raises substantial statutory challenges, including obviousness over Kleve, Mottla, and Goudy.

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Second—and critically—the '245 patent arises from the same family and materially similar subject matter that the Board has already adjudicated and found in Petitioners' favor. The Board has already *invalidated* all challenged claims of the related '188 patent over the same Kleve reference (IPR2024-00981, Paper 36), and the related '659 patent is currently under Board review (IPR2024-01167) and under final rejection in *ex parte* reexamination (EPR 90/019,456). Allowing the Board to address the '245 patent against that established backdrop promotes consistency, conserves adjudicative resources, and avoids fragmented results across forums. *See, e.g., Embody, Inc. v. Lifenet Health*, IPR2025-00248, Paper 13 (PTAB June 26, 2025) (finding it efficient to refer a patent where a related patent was already instituted); *Padagis US LLC v. Neurelis, Inc.*, IPR2025-00464, Paper 12, at 3–4 (PTAB July 26, 2025) (informative) (same). This factor weighs strongly against discretionary denial.

Third, Petitioners have also presented challenges to two more recently issued patents from the same family and reciting similar subject matter. Considering all three challenges would be an efficient use of the Board's limited resources and would prevent inconsistent determinations on common issues, potentially disposing of the entire district court litigation.

Every meaningful *Fintiv* factor either favors institution or is neutral. None supports discretionary denial. The Board is positioned to decide patentability first, efficiently, and on a complete record—exactly what *Fintiv* was designed to facilitate.

C. Petitioners Have Not Taken Inconsistent Claim Construction Positions

Patent Owner contends that Petitioners have taken inconsistent positions in district court and in the IPR Petition concerning the ‘privileges’ terms. PO DD Request at 5-6. That argument lacks merit. In this IPR, Petitioners propose to apply the plain and ordinary meaning of the challenged claim terms—an approach that is fully consistent with the district court’s claim constructions in the related litigation.

1. The District Court Rejected Petitioners’ Construction and Adopted the Plain and Ordinary Meaning of the “Privileges” and “Conditions of Use” Terms

There is no inconsistency between the district court’s construction of “privileges” and Petitioners’ position in this proceeding. The district court’s Claim Construction Order in the earlier litigation (EX1015) confirms this.

The district court found—consistent with Petitioner’s position in this IPR—that the “privileges” and “conditions of use” terms carry their plain and ordinary meaning. (EX1015 at 32.)

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Disputed Term	The Court's Construction
* * *	
"privileges for use of the vehicle" ('026 Patent, Claim 1) "privilege settings for use of the vehicle" ('659 Patent, Claim 18) "condition of use of the vehicle" ('188 Patent, Claims 1, 16)	Plain and ordinary meaning

Patent Owner asserted that no construction was necessary for the “privileges” and “conditions of use” terms in the related patents, while Defendants proposed the following construction: “permitted uses of the vehicle when using the e-key, such as what type of access, speed limits, geographic restrictions, or the amount of time the e-keys will be valid.” (*Id.* at 12.)

The court framed the parties’ dispute as whether the terms could encompass “unfettered access” to the vehicle. The court did not adopt Defendants’ proposed construction. Instead, it adopted the plain and ordinary meaning, as reflected in the table summarizing its conclusions (excerpted above), and clarified in the body of its order that the plain and ordinary meaning does not encompass unfettered access. (*Id.* at 13, 32.)

Contrary to Patent Owner’s argument, the court did not base its construction on a disclaimer of Zaid. *See* EX1015 at 12-13 (nowhere concluding that Zaid was disclaimed or is otherwise excluded from the claims). Rather, the court observed that Patent Owner’s incorrect interpretation of the Zaid reference (i.e., allowing

“unfettered access”) is not within the scope of the plain and ordinary meaning of the “privileges” and “conditions” terms. *Id.* at 13 (“The petitioner challenged claims from the ’026 Patent based in part on [Zaid], which *Plaintiff said* was ‘not directed to privileges or allowing various levels of access to vehicles’” because “unfettered ‘vehicle access is provided based on [Zaid’s] received reservation.’”) (emphasis added). But, as explained in the Petition, Zaid does not provide “unfettered access,” instead disclosing privileges that limit (1) vehicle access and (2) use for a period of time. *See, e.g.*, Pet. at 53. Notably, Patent Owner does not even contend that any disclaimer of Zaid exists, illustrating that there is no inconsistency between the district court’s construction and the Petition’s reliance on Zaid in grounds 3 and 4. PO DD Request at 7 (“alleged disclaimer”).

Further, in the related PTAB proceeding regarding the ’188 patent that reached final written decision, Patent Owner likewise did not dispute the meaning of “conditions of use” while arguing validity over the same Kleve reference raised in the Petition. The Board ultimately found all claims of Patent Owner’s related ’188 patent unpatentable based on that reference. This procedural history further confirms that Patent Owner’s present reliance on claim construction is a strawman, not driven by any genuine disagreement over the scope of these terms. The arguments do not establish any inconsistency warranting discretionary denial.

2. The Court Has Not Construed the '245 Patent Claims

This case is even further removed from Patent Owner's cited authority, *Revvo* and *Tesla*—both of which involved alleged inconsistencies between constructions concerning the same patent in parallel proceedings in district court and before the PTAB. Those decisions therefore do not address the circumstances presented here, where the district court has not yet construed the '245 patent. Accordingly, there is no district-court construction of the '245 patent claims against which Petitioners' positions in this IPR could be inconsistent. Patent Owner's attempt to stretch *Revvo* and *Tesla* to fit this case thus fails for this independent reason.

D. The Petition Is Not Barred by § 325(d) Because the Asserted Grounds and Combinations Were Not Previously Considered, and the Office Committed Multiple Material Errors

Patent Owner urges discretionary denial under 35 U.S.C. § 325(d), asserting that each of the *Becton* factors favor denial because the references cited in the Petition were previously presented during prosecution. PO DD Request at 15. That argument fails under the governing framework.

Under *Advanced Bionics, LLC v. MED-EL Elektromedizinische Geräte GmbH*, IPR2019-01469, Paper 6 at 8 (PTAB Feb. 13, 2020) (precedential), the § 325(d) inquiry asks:

- (1) whether the same or substantially the same art or arguments were previously presented to the Office; and

(2) if so, whether the petitioner has demonstrated that the Office erred in a manner material to patentability.

Discretionary denial is unwarranted here because (i) the Office did not previously consider the asserted grounds, combinations, or statutory challenges advanced in the Petition (*Becton* factors 1-4), and (ii) the Office's allowance of the '245 patent rests on multiple material legal and factual errors (*Becton* factor 5), with additional circumstances weighing strongly against denial (*Becton* factor 6).

1. The Office Did Not Previously Consider the Asserted Grounds, Combinations, or Challenges (*Becton* Factors 1-4)

The Petition challenges the '245 patent based on specific combinations of references, including Kleve and Mottla, as supplemented by Goudy (Grounds 1 and 2) and Zaid, Kleve and Mottla, as supplemented by Goudy (Grounds 3 and 4). Nothing in the prosecution history reflects that the Examiner evaluated the combinations, rationales, or statutory challenges recited in the Petition.

While the Office considered the Zaid, Mottla, and Goudy references relied on in Grounds 3 and 4 (finding that nearly every claim element was rendered obvious thereby), there is nothing to suggest that the Office evaluated the combinations or rationales explained in the Petition, which further rely on the Kleve reference. Moreover, the only limitation that the Examiner found not disclosed by the Zaid-related combinations presented during prosecution, i.e., the camera limitation, is well disclosed by Kleve.

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As for Kleve (relied on in all Grounds), mere listing of a reference in a lengthy search report does not indicate that the Examiner considered the combination theories, motivation-to-combine analyses, reasonable-expectation-of-success reasoning, or claim-by-claim arguments advanced in the Petition. *See, e.g., Amneal Pharms. LLC v. Alkermes Pharma Ireland Ltd.*, IPR2018-00943, Paper 8 at 40 (PTAB Nov. 7, 2018) (declining to deny institution based on § 325(d) where the reference was listed on the face of the patent, but patent owner provided no evidence “about the extent to which the Examiner evaluated” the reference). Nor does the record show that the Examiner substantively engaged with any of those theories.

Critically, nothing in the prosecution history suggests that the Examiner was aware of the existence of the related post-grant proceedings that later invalidated similar claims, including IPR2024-00981, IPR2024-01167, and EPR No. 90/019,456. The decisions in the proceedings identified specific prior-art combinations and patentability deficiencies directly relevant to the continuation claims that issued as the '245 patent.

Accordingly, the asserted grounds and arguments in the Petition were not previously presented to or evaluated by the Office, and *Becton* factors 1 through 4 weigh against discretionary denial.

2. The Examiner Committed Material Error by Failing to Find the Claims Unpatentable Over the Asserted Combinations (*Becton* Factor 5)

Even if the Board were to conclude that certain prior art was previously presented, discretionary denial would still be unwarranted because the Petition demonstrates material examiner error.

The Petition explains—supported by detailed expert testimony—why a POSITA would have found the challenged claims unpatentable over the asserted combinations. The Examiner did not address any of the combinations presented in the Petition, analyze any motivation to combine, or consider whether a POSITA would have had a reasonable expectation of success. These omissions goes directly to the heart of patentability and constitutes material error under *Advanced Bionics*.

The Examiner further erred by allowing the application in response to the addition of a “camera” to the claims. As described in the Petition, vehicles having cameras were well-known by October 25, 2013, and even a cursory review of the prior art would have demonstrated that the addition of a camera does not transform the claims into something other than a predictable combination of prior art elements. *See* Pet., 21, 55 (citing Kleve, [0073] (camera generates “monitoring information”), [0076] (monitoring detects “unauthorized driving behavior, unauthorized driver”)).

The materiality of the Examiner’s Kleve-based omissions is underscored by the subsequent Final Written Decision in the IPR2024-00981 proceeding involving

closely related subject matter. In that proceeding, applying the plain and ordinary meaning of the relevant claim terms, the Board found materially similar claims unpatentable over the Kleve reference. Although that decision issued after the '245 patent was allowed, it confirms that the Examiner's failure to engage with those combinations during prosecution was not harmless but went directly to patentability.

As a separate instance of material error, and as discussed in the Petition's grounds 3 and 4, the Examiner erred by interpreting the claims to require "operational restrictions"—which are nowhere recited in the claim language—and overlooked Zaid's privileges that limit (1) vehicle access and (2) use for a period of time, which affect vehicle "operation." Pet., 53. Patent Owner ignores these arguments.

3. Other Circumstances Confirm That Discretionary Denial Is Unwarranted (*Becton* Factor 6)

Finally, *Becton* factor 6 independently weighs against discretionary denial. This IPR was filed promptly, shortly after Patent Owner filed suit. It presents the first and only post-grant challenge to the '245 patent and identifies material errors underlying allowance that go to the core of patentability.

Denying review under § 325(d) in these circumstances would insulate those errors from scrutiny and undermine the purpose of post-grant review as a timely and efficient mechanism for correcting improvidently issued patents.

E. The Petition Presents Strong Statutory Challenges Appropriate for Board Review

Patent Owner asserts that the Petition fails to present a “compelling” challenge to the claims. PO DD Request at 9–13. That assertion is incorrect. Each alleged “deficiency” either mischaracterizes the Petition or raises a merits dispute that the Board routinely resolves at institution or trial. Far from being weak, the Petition presents detailed, well-supported statutory challenges appropriate for Board review.

1. Ground 1 Shows the Invalidity of Claim 1 Under §§ 103

With respect to 1[f], Patent Owner argues that Kleve’s “matrix barcode” must not “encode a unique value” because “anyone who has scanned a QR code for a restaurant menu” can confirm that the same menu is revealed for each table. PO DD Request at 10. But Kleve does not recite a QR code for displaying restaurant menus, and such attorney argument entirely ignores Kleve’s teachings. Indeed, Kleve discloses that its virtual key may be a “matrix barcode” that can be transmitted from the mobile device to the vehicle *for authorization* via the matrix barcode scanner. Pet. 19 (citing Kleve, [0044]). “Once the Temporary User has the matrix barcode scanned by the vehicle, the smart phone may be able to connect with the VCS and be used to enter and enable the vehicle drive away event.” Kleve, [0044].

As Dr. Almeroth explains, “[i]t is well known that these ‘two-dimensional matrix’ codes, or QR codes, essentially encode a unique value that appears to a

human as a jumbled two-dimensional matrix barcode. The matrix barcode is read by a scanner and converted into usable data, often in the form of a website address, but also in the form of a unique number that could be used for vehicle access in the case of Kleve.” EX1004, 122. In agreement with Dr. Almeroth, Patent Owner admits that matrix barcodes include coded data, such as a restaurant menu. PO DD Request at 10. And while *identical* matrix barcodes may convey identical information, Kleve does not disclose issuing *identical* barcodes to different users in the way a restaurant might place identical QR codes on all tables that redirect to the same menu. Rather, Kleve utilizes *unique* matrix barcodes to distinguish between Temporary Users. Indeed, Kleve describes that its matrix barcode is a type of “*unique* Temporary User identification.” Pet., 20 (quoting Kleve, [0069]) (emphasis added).

The Petition and supporting expert declaration easily show how Kleve’s matrix barcode includes a unique access code received by the mobile device from the server. Pet., 39-40. Patent Owner has presented no evidence to the contrary.

2. Ground 3 Shows the Invalidity of Claim 1 Under §§ 103

Ground 3 also presents a strong basis for invalidity. Patent Owner contends that “Zaid’s vehicle owner does not set any condition of use for the vehicle reservation” because “the Board already concluded that it is Zaid’s vehicle renter that makes the reservation and the time set for that reservation, not the vehicle owner.” Again, Patent Owner mischaracterizes the Petition. The Petition does not

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point to the restrictions in IPR2024-00981 as satisfying the “restriction set by an administrator.” Rather, the Petition identifies Zaid’s vehicle owner “updat[ing] the server(s) . . . of various vehicle related information such as *vehicle availability* and vehicle location.” Pet. 54 (quoting Zaid, [0079]). Zaid’s vehicle owner restricts vehicle availability to particular times and locations *before* Zaid’s renter makes a reservation for a specific time. Patent Owner has not addressed this argument.

Further, “it would have been obvious to a [POSITA] to modify Zaid’s vehicle access system to allow an authorized individual to set limitations or restrictions on the usage of the vehicle to improve vehicle security and to prevent unauthorized usage.” Pet., 53 (EX1002, 125-26). This argument is unaddressed by Patent Owner.

Date: January 23, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **Petitioners' Opposition to Patent Owner's Request for Discretionary Denial** was served on January 23, 2026 via e-mail directed to counsel of record for the Patent Owner at the following:

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Date: January 23, 2026

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