

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TESLA, INC.,
Petitioner,

v.

BULLETPROOF PROPERTY MANAGEMENT, LLC.,
Patent Owner.

IPR2026-00205
Patent 12,240,457

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

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- TESLA-1024 Parking & Reversing In & Out of Angled Spaces, A1 Driving School (Nov. 23, 2022), *available at* <https://www.a1drivingschool.co.nz/guides/parking-and-reversing-in-and-out-of-angled-spaces/>
- TESLA-1025 How to Back Up, Safe2Drive (Sept. 26, 2023), *available at* <https://web.archive.org/web/20230926120717/https://www.safe2drive.com/how-to/how-to-backup>
- TESLA-1026 U.S. Patent No. 11,932,230 (“Langlotz-230”)

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- TESLA-1100 Original Complaint, *Bulletproof Property Management LLC v. Tesla, Inc.*, Civil Action No. 1:25-cv-00665 (W.D. Tex. May 5, 2025)
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- TESLA-1102 Petitioner’s Stipulation dated March 19, 2026
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- TESLA-1150 Public Comments from Tesla on the Revision to Rules of Practice Before the Patent Trial and Appeal Board (Docket No. PTO-P-2025-0025) (Dec. 2, 2025)
- TESLA-1151 Tesla, Inc’s Pre-Institution Public Interest Statement, *In the Matter of Certain Memory Devices and Electronic Devices Containing the Same*, ITC Inv. No. 337-TA-1406 (June 17, 2024)
- TESLA-1152 Cars.com American-Made Index 2025, *available at* <https://www.cars.com/american-made-index/> (accessed April 18, 2026)
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- TESLA-1154 Part 583 American Automobile Labeling Act Reports, National Highway Transportation Safety Administration (NHTSA), 2026 Report, *available at* <https://www.nhtsa.gov/part-583-american-automobile-labeling-act-reports> (accessed April 18, 2026)
- TESLA-1155 Form 10-K of Tesla, Inc., United States Securities and Exchange Commission, for the fiscal year ended December 31, 2025
- TESLA-1156 IHS Markit, The Economic Contributions of Tesla to the California Economy, 2018-2021, Final Report of October 2022, *available at* <https://digitalassets.tesla.com/tesla-contents/image/upload/Tesla-California-Economic-Impact-Final-Report-October-2022> (accessed April 18, 2026)
- TESLA-1157 Tesla's California Footprint, *available at* <https://www.tesla.com/blog/teslas-california-footprint> (accessed April 18, 2026)
- TESLA-1158 Tesla Manufacturing, X.com Post, *available at* <https://x.com/gigafactories/status/198083661898445136?s=20> (accessed April 18, 2026)
- TESLA-1159 Tesla, X.com Post, *available at* <https://x.com/Tesla/status/2035535642676044066?s=20> (accessed April 18, 2026)
- TESLA-1160 Tesla North America, X.com Post, *available at* https://x.com/tesla_na/status/2011520591090880864?s=20 (accessed April 18, 2026)
- TESLA-1161 John A. Squires, Memorandum: Additional Discretionary Institution Considerations – U.S. Manufacturing and Small Business Use of AIA Proceedings (March 11, 2026)
- TESLA-1162 GunPatent.com Blog Post, Don't Mess with Tesla?, *available at* <https://gunpatent.com/dont-mess-with-tesla> (accessed April 18, 2026)

- TESLA-1163 [RESERVED]
- TESLA-1164 Tesla on X.com, When parked in Model S/X, Auto Shift uses Autopilot cameras to automatically select Drive or Reverse (July 25, 2022)
- TESLA-1165 Order Regarding Austin Division Docket, Bulletproof Property Management LLC v. Tesla, Inc., Civil Action No. 1:25-cv-00665 (W.D. Tex. April 23, 2026)
- TESLA-1166 Federal Judicial Caseload Statistics (December 31, 2025)
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- TESLA-1170 GunPatent.com Blog Post, The Coolest Thing I've Ever Owned, *available at* <https://gunpatent.com/the-coolest-thing-i-e-ver-owned> (accessed April 26, 2026)
- TESLA-1171 Form 10-Q of Tesla, Inc., United States Securities and Exchange Commission, for the quarterly period ended March 31, 2026
- TESLA-1172 Cooperative Patent Classification (CPC) Scheme, Definition for Class B60W, Conjoint Control of Vehicle Sub-Units of Different Type or Different Function
- TESLA-1173 U.S. Patent Application Publication No. 2021/0269019 ("Chen")

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TESLA-1174

Application, International Search Report, Written Opinion of
the International Searching Authority, and Search Strategy of
PCT/US2024/015118

I. INTRODUCTION

Bulletproof's Request for Discretionary Denial should be denied and the Director should proceed to consider the merits of Tesla's Petition for *inter partes* review of U.S. Patent No. 12,240,457 ("the '457 Patent"). Under all relevant considerations, referral would make appropriate use of Office resources.

At the outset, referral and institution would promote efficient resolution of the parties' dispute and narrow issues in the parallel district court litigation. There is no trial date scheduled in district court, and indeed, the Board would reach a final decision in this IPR long before any trial would occur in court. If instituted, Tesla's broad stipulation would also substantially mitigate any overlap between the IPR and district court, leaving the parties to address different issues in each forum.

More, the '457 Patent only recently issued in March 2025, and Bulletproof tellingly identifies no licensing or commercial activity involving the '457 Patent. Bulletproof has no settled expectations in the '457 Patent.

Referral is further warranted to address material errors that arose during examination of the '457 Patent. The Examiner had never issued a prior art rejection and there had been no negotiation over claim scope before the original claims were identified as allowable. But the allowance was without merit. The Examiner's search omitted a range of relevant search terms, imposed overly restrictive constraints on term proximity, and focused on irrelevant classification codes. These errors led to a

failure to locate multiple highly relevant references addressed in the Petition, including Bettger (TESLA-1006), Bayer (TESLA-1007), and Kischkat (TESLA-1005). The Examiner also erred in never substantively considering Joos (TESLA-1004), which together with Kischkat, or in combinations with Kischkat and Bettger or Bayer, renders obvious the subject matter claimed in the '457 Patent.

Finally, referral is warranted because Tesla's unparalleled investments in American manufacturing are promoting innovation and supporting tens of thousands of high-paying American jobs. Tesla's vehicles that Bulletproof accuses of infringement are all assembled in the United States and are recognized as the most American-made cars in the country. Bulletproof, by contrast, manufactures nothing.

A holistic assessment of the facts, evidence, circumstances, and relevant considerations (detailed below) confirms that Tesla's Petition should be referred.

II. REFERRAL IS WARRANTED BECAUSE THE BOARD WILL REACH A FINAL DECISION BEFORE THE DISTRICT COURT AND TESLA'S BROAD STIPULATION ENSURES PATENTABILITY WILL BE EFFICIENTLY RESOLVED WITHOUT DUPLICATIVE EFFORT

Bulletproof's request for discretionary denial based on the *Fintiv* factors lacks merit and should be rejected for the following reasons.

A. *Fintiv* Factor 1 (Neutral)

No motion to stay has been filed in district court, and therefore the outcome of a motion to stay cannot be inferred, nor the existence of stay known. *Sand*

Revolution II, LLC v. Continental Intermodal Group – Trucking LLC, IPR2019-01393, Pap. 24, at 7 (June 16, 2020) (informative). Factor 1 is therefore **neutral**.

Bulletproof’s cited cases are also readily distinguished. In both *Samsung Elecs. Co. v. GenghisComm Holdings, LLC*, IPR2025-00899, Paper 10, at 2 (Sept. 26, 2025) and *Samsung Elecs. Co. Ltd. v. Telecom Ventures LLC*, IPR2025-00957, Paper 12 (Oct. 10, 2025), the date of trial in the parallel litigation was scheduled to precede a final decision in the IPRs by *five and six months*, respectively. The insufficiency of evidence of a stay in those cases meant that the Board likely would not render its decision until long after the district court trials. Here, by contrast, there is no trial scheduled, and even when scheduled, it will occur well after the Board would issue its final decision in the IPR.

B. *Fintiv* Factor 2 (Favors Referral)

If instituted, the Board’s deadline to issue a FWD in this IPR would be no later than July 27, 2027. Meanwhile, the trial date originally scheduled in district court—which was already going to lag the FWD in this IPR—has recently been vacated, leaving no currently scheduled trial. *See* TESLA-1168; TESLA-1165. These facts strongly **favor referral**. *See Mercedes-Benz Group AG, v. The Phelan Group, LLC*, IPR2025-00413, Paper 13 at 2 (Acting Director June 25, 2023) (discretionary denial not appropriate where there was “no scheduled trial date in the district court proceeding”); *Tesla, Inc. v. Perceptive Automata LLC*, IPR2025-

01577, Paper 8, at 10 (opposition brief identifying no scheduled trial date) & Paper 10 (referral decision) (Director Feb. 3, 2026).

Median time-to-trial statistics for the Western District of Texas also indicate that trial is unlikely to occur until at least three months after the FWD (October 2027). TESLA-1166, 37. This “reduc[es] the concern of inconsistent outcomes or significant duplication of efforts.” *Apex Beam*, IPR2025-00896, Paper 10 at 2 (Sept. 3, 2025) (finding discretionary denial “not appropriate” where “the projected final written decision due date” is more than a month earlier than the projected trial date by “time-to-trial statistics”); *see also Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 at 9 (March 20, 2020) (precedential).

C. *Fintiv* Factor 3 (Favors Referral)

The parallel litigation is in its infancy and the parties’ investment in the litigation has been minimal. Bulletproof did not file its case readiness status report in the district court until March 2, 2026 and the court did not enter a scheduling order until April 2, 2026 (i.e., 1.5 months after filing of the Petition). EX2007. Even the earliest deadline in the scheduling order has not yet passed. *Id.* No invalidity contentions have been served, no terms have been identified for construction, and the court has not yet rendered any substantive decisions. *Id.* Nor will the litigation have progressed much by the deadline for institution (July 27, 2026). *Id.* There is currently no *Markman* hearing scheduled. EX2007; TESLA-

1165. Fact discovery will not begin for a month after institution, and opening expert reports are not due for more than eight months after institution (April 1, 2027). *Id.* Factor 3 therefore strongly *favours referral*.¹ *Fintiv*, at 9-10 (“If, at the time of the institution decision, the district court has not issued orders related to the patent at issue in the petition, this fact weighs against exercising discretion,” particularly where the “type of work already completed” has not been “substantive”).

D. *Fintiv* Factor 4 (Favors Referral)

Tesla has filed a broad *Sotera+* stipulation (TESLA-1102) ensuring that this IPR, if instituted, will be a “true alternative” to the district court litigation with respect to invalidity grounds under 35 U.S.C. §§ 102 and 103. *See Motorola Sols., Inc. v. Stellar, LLC*, IPR2024-01205, Paper 19, at 3–4 (Acting Director Mar. 28, 2025). Tesla’s *Sotera+* stipulation guarantees that not only will Tesla not advance in the parallel litigation “the specific grounds asserted in the instituted IPR” and “any ground that reasonably could have been raised in the instituted IPR,” but also precludes Tesla from raising “any other ground based on a combination of system

¹ PO’s reference to the parties’ venue discovery activity is not availing. The parties made little if any substantive investment in the merits of the litigation for some nine months service of the complaint while venue discovery proceeded.

art with any prior art reference asserted as the basis of a ground in the instituted IPR.” TESLA-1102.

PO’s contention that the *Sotera+* stipulation would still allow Tesla to raise duplicative issues in district court is completely unfounded. The Office has referred many cases where petitioners submitted stipulations of similar (and even narrower) scope to the stipulation Tesla has submitted here. *See e.g., Samsung Elecs. Co. v. Wilus Inst. of Standards & Tech. Inc.*, IPR2025-00933, Pap. 11 at 3 (Oct. 10, 2025) (noting for a nearly identical stipulation that “Petitioner has filed a broad stipulation that reduces the concern of inconsistent outcomes or significant duplication of efforts.”); *Tesla, Inc. v. Intellectual Ventures II LLC*, IPR2025-00217, Pap. 9 at 2 (June 13, 2025); *Shenzhen Tuozhu Tech Co. v. Stratasys, Inc.*, IPR2025-00438, Pap. 10, 3 (July 17, 2025). Factor 4 thus strongly ***favours referral***.

E. *Fintiv* Factor 5 (Neutral)

Tesla is the defendant in parallel district court case. However, this factor has been historically viewed as neutral, especially where, as here, the Petition demonstrates strong merits of unpatentability. *See Innolux Corp., v. Phenix Longhorn LLC*, IPR2025-00043, Paper 10, at 13 (May 15, 2025).

F. *Fintiv* Factor 6 (Favors Referral)

For the reasons detailed in the Petition, the ’457 Patent claims are plainly unpatentable over the prior art. Indeed, the claims merely recite well known

features for shifting between drive and reverse modes in a vehicle based on input signals that were disclosed in the prior art long before the alleged invention. And as discussed further below, the '457 Patent would not have issued but for material examination errors that led the Examiner to overlook a range of compelling references. *Infra*, §IV. Factor 6 ***favours referral***.

Accordingly, each *Fintiv* factor either favors referral, or is at worst neutral, and thus, a holistic consideration of the *Fintiv* strongly factors favors referral.

III. REFERRAL IS WARRANTED BECAUSE BULLETPROOF HAS NO SETTLED EXPECTATIONS IN THE '457 PATENT

A. The '457 Patent is Young, Having Issued Less Than a Year Before Tesla's Petition Filing

Bulletproof fails to show that it enjoys settled expectations in the '457 Patent. It does not. The '457 Patent recently issued in March 2025, not even a year before Tesla filed the present Petition in January 2026. *See Samsung Electronics Co., Ltd., v. Wilus Institute of Standards*, IPR2025-00935, Paper 12, at 2-3 (Sept. 26, 2025) (finding that patent issued four years prior to the petition “has not been in force for a significant period of time” and thus “Patent Owner has not developed strong settled expectations that favor discretionary denial”).

Also notable, Bulletproof asserts in the parallel litigation seven related patents including the '457 Patent. *See* TESLA-1101 (PO's district court complaint). Tesla brought early challenges to each of the asserted patents, filing

petitions on all seven within two years of issuance. *See* IPR2026-00204, -00205, -00219, -00222, -00227, -00228, -00229. Tesla’s prompt challenges to the asserted patents further exposes the hollowness of Bulletproof’s claim to settled expectations. *See Zhuhai Cosmox Battery Co. LTD. v. NingDe Amperex Technology Ltd.*, IPR2025-00385, Pap. 9, at 2-3 (Jul. 2, 2025) (“the early challenges to the patents tip the balance against discretionary denial”).

B. Bulletproof Presents No Evidence of Licensing or Commercialization

Bulletproof’s brief is silent regarding any licensing or commercial activity involving the ’457 Patent. Presumably, no such activity exists, which further weighs against Bulletproof’s claims of settled expectations. *See Shenzhen Tuozhu Tech. Co., Ltd. v. Stratasy, Inc.*, IPR2025-00531, Paper 10, at 3 (July 17, 2025) (“Petitioner[] ... presents evidence that the challenged patents have never been ‘commercialized, asserted, marked, licensed, or otherwise applied’ in Petitioner’s ‘particular technology space’ and “[t]his evidence weighs against Patent Owner’s claim of strong settled expectations”) (quoting *Intel Corp. v. Proxense LLC*, IPR2025-00327, Paper 12, at 2-3 (June 26, 2025)).

C. Tesla’s Settled Expectations Have Accrued Since Even Before the ’457 Patent Was Filed

Referral and institution are also warranted because the accused product in the district court litigation—i.e., Tesla’s vehicles that implement Tesla’s “Auto

Shift” technology—was introduced years before Bulletproof even filed the ’457 Patent. *See* TESLA-1101 (complaint alleging infringement by Tesla’s Auto Shift technology); TESLA-1164 (Tesla post on X.com July 25, 2022 noting that “[w]hen parked in Model S/X, Auto Shift uses Autopilot cameras to automatically select Drive or Reverse”). Indeed, Tesla previously informed Bulletproof that “we have been developing” “Tesla’s Autoshift feature ... over the past several years.” TESLA-1169, ¶33. Tesla thus has its own settled expectations because Tesla had invested in and produced vehicles including Auto Shift long before Bulletproof’s filing of the ’457 Patent.

IV. EXAMINER ERROR IN ISSUING THE ’457 PATENT WARRANTS BOARD REVIEW

Examination of the ’457 Patent suffered from material errors, and Board resources would be well spent reviewing the patentability of Bulletproof’s claims that issued as a result of the errors. *See Microsoft Corp. v. Partec Cluster Competence Cent. GmbH*, IPR2025-00318, Paper 9, 3 (PTAB June 12, 2025) (“[T]he Petitioner appears to show a material error by the Office and it is an appropriate use of Office resources to review the potential error”); *Padagis US LLC v. Neurelis, Inc.*, IPR2025-00464, Paper 12, 3 (PTAB July 16, 2025) (“[I]t is an appropriate use of Office resources to review the potential error.”). Here, the Examiner erroneously allowed the application for the ’457 Patent after a deficient examination that overlooked highly relevant teachings from Joos, relied on

immaterial and overly narrow search queries, disregarded the search strategy and results of the Patent Analyst in a counterpart PCT application, and failed to identify other material references cited in the Petition. Had the Examiner conducted an adequate search and review of the prior art, the application for the '457 Patent would not have been allowed.

A. The Examiner Erred in Allowing the Application for the '457 Patent Without Substantive Consideration of Joos

The application for the '457 Patent received little scrutiny. Indeed, the Examiner did not issue a single prior-art rejection during the entirety of examination. But the Examiner's allowance determination was premature and unwarranted. Among other things, the Examiner overlooked highly relevant teachings from the prior art of record, including the teachings of Joos, which together with Kischkat and other references cited in the Petition (e.g., Bettger, Bayer, Kischkat) render obvious all claims of the '457 Patent.

For context, the Examiner justified the decision to allow the '457 Patent as follows:

The prior art does not disclose nor render obvious a method of operating a motor vehicle having a steering control and a drive system operable to selectably drive wheels in a drive mode and in a reverse mode, the method including: the drive system offering a driver a change from one of the drive mode and reverse mode to the other of the drive mode and reverse mode based on the steering control, in combination with the other method steps required by independent Claim 1.

These features identified in the Examiner's reasons for allowance correspond to features recited in claim elements 1[p] and 1[b]. But as the Petition demonstrates, these features were already known in the prior art as evidenced by Joos, Kischkat, and the combinations of Joos with the Petition's other art. Pet., 18-26, 58-59, 68-70. The Examiner erred in never substantively considering or applying Joos on the record during prosecution.

For example, Joos explicitly discloses "a method for unparking a motor vehicle" in which "the semi-autonomous [maneuvering] of the motor vehicle along the unparking trajectory is ended at the end position" and "if the end position is reached, the specified steering angle has been set by the driver assistance system and the forward gear has been engaged." TESLA-1004, [0001], [0008], [0018]. "After the end position is reached, the driver assistance system itself can change from the reverse gear into the forward gear." TESLA-1004, [0017], [0038]. Joos discloses shifting to the forward gear based on the steering control.²

² Bulletproof's arguments addressing the merits of the Petition's reliance on Joos are inappropriate for a discretionary denial brief. *See* DD Brief, footnotes 9-10. Besides, the arguments are unsupported and wrong. For example, Bulletproof conveniently disregards Joos's disclosures that the vehicle's shift to drive at the pre-determined end point is only triggered if the prescribed steering angle has been

The Examiner’s failure to apply or even address Joos in combination with other pertinent prior art such as Kischkat and Bettger or Bayer amounted to material error warranting referral of Tesla’s Petition. This is especially the case here where Joos “was not a basis for rejection during examination, is not substantially the same as [any] prior art the Examiner applied,” and Joos and the Petition’s combinations involving Joos “include specific teachings that impact patentability of the challenged claims” for the reasons detailed in the Petition. *Ecto World, LLC v. RAI Strategic Holdings, Inc.*, IPR2024-01280, Paper 13 at 5-6 (Acting Director May 19, 2025) (precedential).

B. The Examiner Failed to Conduct an Adequate Search That Would Have Led to Bettger, Kischkat, Bayer, and Other Highly Relevant Prior Art

The Examiner further erred by conducting a deficient search that failed to identify some of the most pertinent prior art references in the field, including Bettger, Bayer, and Kischkat. This off-track search strategy indicates that the Examiner did not “obtain[] a thorough understanding of the invention disclosed and claimed” and

set. TESLA-1004, [0017]-[0018]; Pet., 21-22; TESLA-1003, ¶¶89-91. Bulletproof also does not engage with substantial evidence in the Petition that the disputed features further would have been obvious based on Joos-Kischkat and Joos in combinations with Bettger or Bayer.

was not “fully aware of the what the claims do not call for, as well as what they do require” as the Office requires. M.P.E.P., § 904. A thorough search would have led the Examiner to each of Bettger, Kischkat, and Bayer, and proper consideration of these references in the combinations cited in the Petition would have made clear that the ’457 Patent should not have been allowed.

The Examiner’s search strategy involved, among other things, classification searching that limited the universe of searched prior art to documents assigned to certain technological classes. But the Examiner relied on classification codes corresponding to technologies that are not clearly relevant to searching the claimed subject matter. For example, the Examiner issued various queries limited to class “b60w10/02.cpc,” relating to “control of driveline clutches”—even though the ’457 Patent neither describes nor claims anything about driveline clutches or other mechanical components for connecting the engine of a vehicle to the transmission:

L7	67997	b60w10/02.cpc.
L8	15329	7 AND ((forward front\$4 drive) WITH (revers\$3 back\$4))
L9	4769	7 AND ((forward front\$4 drive) WITH (revers\$3 back\$4) WITH ((steer\$3 near4 angle) OR (park\$3 near6 (tim\$3 distance velocity speed)) OR (location position\$3)))
L10	3549	7 AND (((forward front\$4 drive) near4 (revers\$3 back\$4)) WITH ((steer\$3 near4 angle) OR (park\$3 near6 (tim\$3 distance velocity speed)) OR (location position\$3)))

TESLA-1002, 182-183 (annotated) (queries L7-10); TESLA-1172.

The Examiner's deficient search strategy led to oversight of highly relevant teachings from Bettger, Kischkat, and Bayer. For example, Bettger explicitly discloses that if "the driver of the vehicle agrees with executing the reverse-turning maneuver, he confirms the same by... carrying out a certain steering movement, for example, *a steering movement of an angle which lies above a certain threshold value* and which corresponds to the steering movement that is necessary for carrying out the reverse-turning maneuver." TESLA-1006, [0044], [0021] (emphasis added). When the vehicle's orientation permits travelling in a forward direction, a vehicle dynamics controller 18 selects "the appropriate transmission gear range" and shifts gears from the REVERSE range "to the DRIVE range" in response to the steering movement above the threshold so that the "vehicle can now continue travelling rapidly forwards." TESLA-1006, [0047], [0045]. But the Examiner never searched for relevant terms such as "reverse-turning maneuver" that would have led to Bettger. TESLA-1002, 179-227.

Further, Kischkat discloses that "during a parking process supported by the assistance system, the signal for shifting the automatic transmission from a forward driving mode to a reverse driving mode or vice versa after automatic braking to a standstill can be given via the accelerator or brake pedal[,] via a voice input into a voice control system[,] or by actuating a control element on the steering wheel, dashboard, or key side." TESLA-1005, [0009]; *generally id.*, [0001]-[0025], FIGs.

1-2. Kischkat also describes the driver giving “a confirmation response to change direction – if necessary, after asking via the voice control system or the vehicle’s loudspeaker whether a change of direction is desired. For example, if the voice control system or assistance system asks ‘Change direction?’, the driver simply has to answer ‘yes’.” TESLA-1005, [0016]. Kischkat’s teachings are plainly relevant to the claimed techniques for offering an auto-shift to drive, and yet the Examiner never targeted his search for a “confirmation response” like that in Kischkat. TESLA-1002, 179-227.

Likewise, Bayer describes a steering angle control module that calculates a trajectory for a parking maneuver and provides steering assistance to the driver that will cause “the vehicle [to] move[] on [the] trajectory.” TESLA-1007, [0049], [0054]. Bayer discloses that “through a continuous change in the additional steering torque applied,... the driver is constantly being given an indication of the point, *i.e.*, the steering wheel position.” TESLA-1007, [0020]-[0021], [0043]. Yet the Examiner failed to search for steering monitors and steering assistance systems like those in Bayer, which further demonstrate the obviousness of auto-shifting to drive based on steering movements in the Joos-Bayer combinations. Pet., 63-71.

Finally, examination of the ’457 Patent was compromised by the Examiner’s disregard of the more effective search strategy and results that a USPTO Patent Analyst for Bulletproof’s counterpart PCT application had earlier obtained when

searching highly similar claims of a counterpart PCT application. TESLA-1002, 2-33. The search conducted on the PCT claims led the Patent Analyst to identify the Chen reference (TESLA-1173) as an “X” reference of “particular relevance” over which “the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone.” TESLA-1002, 29-33; TESLA-1174, 2, 9, 23. The Patent Analyst determined that Chen discloses “operable to select a direction for driving the wheels in response to a pattern of steering angle movements,” similar to the claimed “the drive system operable to select a direction for driving the wheels in response to a pattern of steering angle movements, without operator indication of a direction.” *Id.* The ’457 Examiner offered no acknowledgment of the Patent Analyst’s prior determination nor any explanation as to why he never applied Chen or other references cited in the ISR.

In short, Board resources are well spent to review on Tesla’s Petition to correct the Examiner’s errors and to prevent further errors in the examination of this family of applications, which remains pending.

V. TESLA’S UNPARALLELED INVESTMENTS IN AMERICAN MANUFACTURING WARRANT REFERRAL

The manufacturing factors articulated in the Director’s March 11, 2026 memorandum (“March Director Memo”) strongly favor referral and institution. *See* TESLA-1161, 2. In short, Tesla is a singular and leading American manufacturer across a range of advanced technologies. Bulletproof, by contrast, is a non-

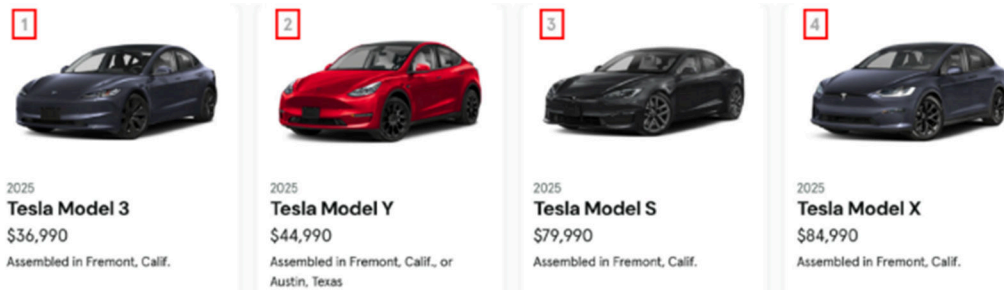
practicing entity that does not manufacture any products. As detailed below, Tesla has invested billions in American manufacturing, including in the autonomous and electric vehicle sectors of the accused products. *See* TESLA-1101, 9-10 (accusing Tesla’s Model S, Model X, Model Y, and Model 3 vehicles of infringing the ’457 Patent). Even Bulletproof’s owner and named inventor of the ’457 Patent, Mr. Langlotz, has publicly praised Tesla for “building many giga factories.” TESLA-1170; *see also id.* (“I like to say that Elon doesn’t make cars, he makes factories – think about that.”). These investments, under the March Director Memo, further warrant access by Tesla to the PTAB as an alternative to district court litigation.

Tesla’s commitment to manufacturing in the United States is unmatched in the industry. According to a recent study, Tesla’s accused Model 3, Y, S, and X vehicles (2025 model year) were the *most American made vehicles* in the US:³

³ The study considered “five major factors” including location of final assembly, percentage of US or Canadian parts, countries of origin for engines and transmissions, and US manufacturing workforce. TESLA-1152, 7-8.



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See TESLA-1152, pp. 1-2 (annotated); see also *id.*, 6 (“[T]esla’s vehicles have consistently ranked in the top 10, and for the second time (the first was in 2023), its four light-duty passenger vehicles have swept the top spots.”); TESLA-1153, 1 (Tesla is “building the most American-made vehicles on the road”); TESLA-1154 (NHTSA report detailing Tesla’s leading automotive manufacturing position).

Tesla’s manufacturing operations in the U.S. support over 70,000 employees and generate billions of dollars of U.S. investment and economic activity each year. TESLA-1150, 5; TESLA-1167. Tesla’s Fremont, CA facilities are involved in vehicle manufacturing and assembly, as well as manufacturing of lithium-ion battery cells, battery packs, vehicle seats, stampings, and castings. *Id.* At Gigafactory Texas in Austin, Tesla produces the Model Y and Cybertruck as well as cathode active materials, lithium-ion battery cells, battery packs, drive units, vehicle seats, stampings, and castings. *Id.* At Gigafactory Nevada in Sparks,

Nevada, Tesla operates one of the world's highest volume plants for manufacturing electric motors, energy storage products, vehicle powertrains, and batteries, and Tesla recently began volume production in Nevada of the Semi (a fully electric semi-truck). *Id.*, 5-6 At Gigafactory New York in Buffalo, Tesla produces DC-fast charging equipment, solar energy products, and power electronics, and Tesla operates additional manufacturing-support facilities in Brooklyn Park, MN and Grand Rapids, MI. *Id.*; *see also id.*, TESLA-1158; TESLA-1160; TESLA-1151. And along with SpaceX and xAI, Tesla is partnering to build Terafab—"the largest chip manufacturing facility ever (1TW/year)" in Austin, TX. TESLA-1159.

Tesla's commitment to American manufacturing has yielded significant economic impact. An October 2022 report found that Tesla supported \$16.6 billion of economic activity in California in 2021, supported ~80,500 jobs, and paid \$10.3 billion in wages. TESLA-1156, 3; TESLA-1157. Tesla's rapid expansion in Texas, Nevada, and other states in recent years have likewise yielded substantial impact in those states. Tesla expects its capital expenditures to be in excess of \$25 billion in 2026 alone. TESLA-1171; TESLA-1155, 36; TESLA-1167.

Tesla's investments stand in stark relief to Bulletproof, which does not purport to manufacture any products. Bulletproof is instead the paper company of a patent and trademark attorney who has a history of pursuing IP claims against

Tesla. TESLA-1162 (“How My Crazy Trademark Strategy Revealed Tesla’s Woke Lawyers”; “Now, secretly I hoped they’d press, and I’d offer to settle the matter”).

VI. CONCLUSION

Tesla respectfully asks that the Director refer and institute the Petition.

Respectfully submitted,

Date: April 27, 2026

/W. Karl Renner/

W. Karl Renner, Reg. No. 41,265

Nicholas Stephens, Reg. No. 74,320

Kim H. Leung, Reg. No. 64,399

Fish & Richardson P.C.

60 South Sixth Street, Suite 3200

Minneapolis, MN 55402

T: 202-783-5070

F: 877-769-7945

Counsel for Petitioner

CERTIFICATE OF SERVICE

Pursuant to 37 CFR § 42.6(e)(4), the undersigned certifies that on April 27, 2026, a complete and entire copy of this Petitioner's Opposition and its supporting exhibits were provided by email to the Patent Owner by serving the correspondence address of record as follows:

Michael W. Doell (Reg No. 79,493)
1700 Pacific Avenue, Suite 4750
Dallas, Texas 75201
Telephone: (214) 466-1270
Facsimile: (214) 635-4572
Email: mike.doell@bjciplaw.com

Robert J. Rando, *pro hac vice*
Patrick Doerr LLC
1501 Broadway, Suite 2310
New York, New York 10036
Telephone: (917) 886-8396
Email: robert.rando@patrickdoerr.com

/Crena Pacheco/
Crena Pacheco
Fish & Richardson P.C.
60 South Sixth Street, Suite 3200
Minneapolis, MN 55402
pacheco@fr.com