

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TESLA, INC.,
Petitioner,

v.

GRAPHITE CHARGING COMPANY LLC,
Patent Owner.

Case No. IPR2024-00388

U.S. Patent No. 8,291,243

**PETITIONER'S OBJECTIONS TO PATENT OWNER'S ALLEGED
EVIDENCE SUBMITTED DURING PRE-INSTITUTION STAGE**

Petitioner hereby objects to the alleged evidence submitted by Patent Owner during the pre-institution portion of this *inter partes* review. Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner objects to the alleged evidence on the grounds identified in the table below. These objections are timely, because they are being filed within ten business days of the Board’s Institution Decision in Paper 15 (*i.e.*, by September 11th). See 37 C.F.R. 42.64(b)(1).

Exhibit	Ground(s) for Objection
Ex. 2001— Federal Holidays, U.S. Office of Personnel Management	F.R.E. §§ 401, 402, and 403: Irrelevant. Any relevance is outweighed by dangers of unfair prejudice, confusing the issues, and/or wasting time, which dangers substantially outweigh(s) any probative value. F.R.E. § 901: This exhibit is neither authenticated nor self-authenticating.
Ex. 2002— Members – Unified Patents	F.R.E. §§ 801 and 802: This is being used for a hearsay purpose and it has not been established that any hearsay exceptions apply. F.R.E. § 901: This exhibit is neither authenticated nor self-authenticating.
Ex. 2003—Tesla Inc.’s Annual Income Statement	F.R.E. §§ 801 and 802: This is being used for a hearsay purpose and it has not been established that any hearsay exceptions apply. F.R.E. § 901: This exhibit is neither authenticated nor self-authenticating.
Ex. 2004—Non- Final Office Action, Ex Parte Reexamination	F.R.E. §§ 401, 402, and 403: Irrelevant. Any relevance is outweighed by dangers of unfair prejudice, confusing the issues, and/or wasting time, which dangers substantially outweigh(s) any probative value.

Control No. 90/019,303 (Apr. 11, 2024)	
Ex. 2005— Parallel District Court Litigation Docket	F.R.E. § 901: This exhibit is neither authenticated nor self-authenticating.
Ex. 2006— Parallel District Court Litigation, Dkt. No. 64	F.R.E. § 901: This exhibit is neither authenticated nor self-authenticating.
Ex. 2008—Joint Stipulation Regarding Stay	F.R.E. §§ 401-403: Patent Owner never cites to pages two through four of this exhibit. <i>See</i> Patent Owner’s Sur-Reply (citing only to pages one and five). Accordingly, at least these pages of the exhibit are irrelevant. F.R.E. § 901: This exhibit is neither authenticated nor self-authenticating.

Dated: September 11, 2024

Respectfully Submitted,

/ Alexander B. Stein /

Alexander B. Stein, Reg. No. 71,397

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e)(4), I certify that on September 11, 2024, I caused to be served via email a true and correct copy of PETITIONER’S OBJECTIONS TO PATENT OWNER’S ALLEGED EVIDENCE SUBMITTED DURING PRE-INSTITUTION STAGE on Patent Owner’s counsel of record:

Jason Shapiro
jshapiro@devlinlawfirm.com

Michael A. Siem
msiem@devlinlawfirm.com

Cedric C.Y. Tan
ctan@devlinlawfirm.com

Lynn Lehnert
llehnert@devlinlawfirm.com

Nadiia Loizides
nloizides@devlinlawfirm.com

Dated: September 11, 2024

Respectfully Submitted,

/ Alexander B. Stein /

Alexander B. Stein, Reg. No. 71,397