

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TESLA INC.,
Petitioner

v.

CHARGE FUSION TECHNOLOGIES, LLC,
Patent Owner

Case No. IPR2025-00032
Patent No. 11,563,338

**PETITIONER'S REPLY TO
PATENT OWNER'S RESPONSE**

TABLE OF CONTENTS

I.	INTRODUCTION.....	1
II.	PO’s CLAIM CONSTRUCTION POSITIONS ARE UNSUPPORTED.	1
A.	PO’s Interpretation of “Amount of Charge” Improperly Excludes an Embodiment.....	1
1.	The Slider Embodiment.....	2
2.	The Specification Does Not Distinguish “amount of charge” from “charge level”	4
3.	PO’s Interpretation Excludes Disclosed Embodiments and Reads a “Purpose” Requirement into the Claims	6
4.	Mr. Andrews Testimony Does Not Support PO’s Position.....	9
B.	PO’s Vehicle Charge Indicator Element Arguments Misrepresent the Petition	10
III.	DEFINITION OF A POSITA	12
IV.	THE ’338 PATENT CLAIMS ARE UNPATENTABLE	13
A.	The Prior Art Teaches Claim 1[h].....	13
1.	It Is Undisputed that Letendre Teaches a Slider Setting a Distance and Maximum Range.....	13
2.	PO Ignores a POSITA Being a Person of Ordinary Creativity	14
3.	Ferro Also Teaches Setting an Amount of Charge.....	14
B.	A POSITA Would Have Combined Ferro and Oyobe	15
1.	Oyobe’s Vehicle Sensor Improves Ferro.....	15
2.	The Teachings of Oyobe and Ferro Are Compatible	16
3.	PO Misrepresents Oyobe	18
C.	PO’s View of Sending an Alert to An Operator Is Overly Narrow	19
D.	Claims 2, 11, and 20 Are Obvious	21
V.	PO’s Motivation to Combine Challenges Fail	22
A.	Ground 2’s Motivation to Combine Knockeart	22
B.	Ground 3’s Motivation to Combine Sutardja	23

C.	The Petition’s Detailed Motivations to Combine Are Sufficient	23
D.	The Unrebutted Reasonable Expectation of Success for Each Modification	26
VI.	CONCLUSION.....	27

TABLE OF AUTHORITIES

Cases

<i>Baran v. Med. Device Techs., Inc.</i> , 616 F.3d 1309 (Fed. Cir. 2010).....	6
<i>Ericsson Inc. v. Intellectual Ventures II LLC</i> , IPR2014-01195, Paper 37 (PTAB Jan 29, 2016)	25
<i>Ex Parte Stephanie Hoyas</i> , Appeal 2024-001144 (PTAB Mar. 5, 2025).....	24
<i>Fonar Corp., v. General Elect. Co.</i> , 107 F.3d 1543 (Fed. Cir. 1997)	11
<i>Google LLC v. Ecofactor, Inc.</i> , IPR2020-01504, Paper 55 (PTAB Aug. 1, 2024)	22
<i>In re Gatabi</i> , No. 2022-1580, 2023 WL 3477285 (Fed. Cir. May 16, 2023).....	24
<i>In re Wesslau</i> , 353 F.2d 238 (CCPA 1965).....	24
<i>InTouch Techs., Inc. v. VGo Comm’cns, Inc.</i> , 751 F.3d 1327 (Fed. Cir. 2014)	24
<i>Livanova, Inc. v. Neuro and Cardiac Tech., LLC</i> , IPR2019-00264, Paper 32 (PTAB May 18, 2020)	26
<i>MCM Portfolio LLC v. Hewlett-Packard Co.</i> , 812 F.3d 1284 (Fed. Cir. 2015)	14
<i>Nichia Corp. v. Lighting Science Group Corp.</i> , IPR2019-01259, Paper 45 (PTAB Jan. 8, 2021)	25
<i>Samsung Electronics Co., Ltd. v. Smart Mobile Tech. LLC</i> , IPR2022-01249, Paper 13 (PTAB Jan. 24, 2023)	25
<i>Tehrani v. Hamilton Med., Inc.</i> , 331 F.3d 1355 (Fed. Cir. 2003)	6
<i>Uber Tech, Inc. v. LBT IP II LLC</i> , IPR2022-00880, Paper 29 (PTAB Dec. 6, 2023)	22
<i>Warner-Jenkinson Co., Inv. v. Hilton Davis Chemical Co.</i> , 520 U.S. 17 (1997)	10
<i>Wi-Lan, Inc. v. Apple, Inc.</i> , 811 F.3d 455 (Fed. Cir. 2016).....	8
<i>Xerox Corp. v. Bytemark, Inc.</i> , IPR2022-00624, Paper 9 (PTAB Aug. 24, 2022)	26

I. INTRODUCTION

Patent Owner's arguments in the Patent Owner Response (Paper 17) ("POR") (1) improperly narrow the claims to specific embodiments, (2) read-in limitations from specification embodiments, and (3) incorrectly assume that the Petition's grounds bodily incorporate secondary reference features. Because PO's contentions are contrary to claim construction and obviousness law and unresponsive to the Petition's mapping and motivations, they must be rejected.

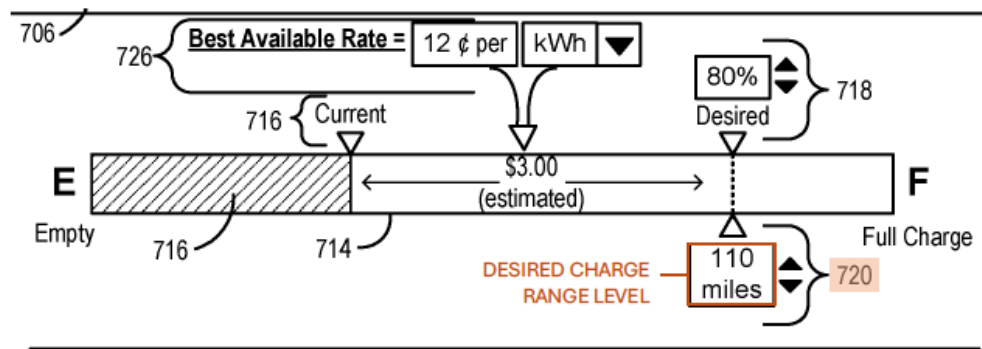
II. PO'S CLAIM CONSTRUCTION POSITIONS ARE UNSUPPORTED

A. PO's Interpretation of "Amount of Charge" Improperly Excludes an Embodiment

Claim 1[h] recites "a slider by which an amount of charge may be specified[.]" EX1001. PO argues the "'amount of charge' must be a percentage of charge" and not a charge level expressed in terms of travelable distance. POR, 19. No basis exists in the plain reading of the claims or the specification to arbitrarily limit the claims to one of the defined measures of charge level (i.e., charge percent level) and exclude the other measure of charge levels (i.e., charge range level).

1. *The Slider Embodiment*

The '338 Patent describes using a slider to set a “**desired charge percent level 718**” and also (or alternatively) a “**desired charge range level 720**.” EX1001, 14:56–15:11.



Pet., 38 (citing EX1001, FIG. 7 (excerpt, annotated)). Figure 7 shows the “charge range level” set at 110 miles, which *also* sets the “charge percent level” at 80%. As the Board found at institution, there is “no persuasive reason to limit the claims in a manner that covers one alternative but excludes the other.” Paper 11, 30.

The '338 Patent describes a vehicle charge indicator 714 that “visually indicates a current charge level 716 of the vehicle.” EX1001, 14:56-67. The '338 Patent states:

The user may also or alternatively view and/or change the desired charge range level 720. An estimate of how far the vehicle can travel on a given charge amount (which may be a general average and/or may be computed based on a specific itinerary and/or past driving habits) can be determined, for example, and utilized to express

the desired charge level in terms of distance capable of being traveled.

In such a manner, for example, **a user may determine a desired distance to travel** (e.g., how far it is from home to work or vice versa) and **may set the desired charge range level 720 to match the desired distance.**

EX1001, 15:1-11. Reading the '338 Patent, 14:56–15:11 collectively, the '338 Patent describes (1) determining how far the vehicle can travel on a given charge amount; (2) utilizing this determination of how far the vehicle can travel to express a desired charge level; and (3) user selection of the “desired charge level” as either a charge percent level (expressed as a percentage amount) or charge range level (expressed as a mileage amount) using a slider.

PO fundamentally misunderstands the '338 Patent's slider disclosures. PO argues “[t]here is nothing in the specification that allows a user to specify a threshold of an amount of charge based solely on an estimated travel distance[.]” POR, 22, 24. This statement is perplexing, as a user specifying an amount of charge based on travel distance is exactly what is shown in FIG. 7 and described at the '338 Patent, 15:1-11. Likewise, PO's expert inaccurately claims FIG. 7 does not show a user-set charge range at all. EX1093, 27:1-15 (testifying 720 in FIG 7 does not “show[] that a user set a charge range of 110 miles” because it is “estimated and computed...based on the amount of charge and the charge level[.]”). Again, FIG. 7 illustrates the user using the slider to select 110 miles for the desired charge level.

2. *The Specification Does Not Distinguish “amount of charge” from “charge level”*

PO argues the '338 Patent “distinguishes **charge amount** from **charge level**.”

POR, 18-19. PO’s distinction fails for several reasons.

First, nothing in the '338 Specification or claims mandates construing “amount of charge” (1) to be something different from a charge level; (2) to include *only* a charge percent level; or (3) to exclude a charge range level. The '338 Patent does not use the phrase “amount of charge” other than in the claims and at 11:11-16 (describing a vehicle requiring an “amount of charge ‘A’” in the context of charging a plurality of vehicles). The only use of “amount” in terms of a charge amount is at 15:2-7, which also refers to the “desired charge level.” Nowhere in the specification did the inventor act as a lexicographer to define “amount of charge” as a percentage only, nor did the inventor disclaim the charge range level embodiment of Figure 7.

Second, the '338 Patent’s only slider-based disclosure is a slider used to set a “charge percent level 718” and/or a “charge range level 720.” *See* § II.A. There is no discussion in the '338 Specification of using the slider to set a charge “amount”; there is only description of setting a charge “level.” EX1001, 14:56–15:11. If the claimed *slider by which an amount of charge may be specified* is something different than a slider for specifying a “charge level,” as PO contends, then the Challenged

Claims have no written description support. POR, 20 (discussing construing claims to preserve validity).

Third, PO's arguments are internally inconsistent. PO alleges that "charge percent **level 718**" is an "amount of charge," while a "charge range **level 720**" is not. POR, 19. PO provides no basis for this distinction. The '338 Patent uses the phrase "charge level" as a broad term encompassing both a charge percent level and a charge range level, where again, the charge level can be expressed as a percentage or a range (mileage). Logically, because charge percent level and charge range level are just two different units for specifying the same value, i.e., charge level, and because charge percent level is an "amount of charge" (per PO's argument), then charge range level is equally an amount of charge.

Fourth, the '338 Patent uses the phrases "charge amount" and "charge level" interchangeably for at least two reasons. First, the '338 Patent's Figure 7 depicts the charge range level and the charge percent level as interchangeable. Second, the '338 Patent refers to "how far the vehicle can travel on a given **charge amount**" and describes the "desired **charge level** in terms of distance capable of being travelled." EX1001, 15:1-11. Reversing the bolded terms in the sentences does not change the meaning of either sentence. *Cf.* EX1001, 14:59-61 ("a current charge level"), 11:11-16 ("an amount of charge"). Different terms in the same patent have the same meaning when used interchangeably. *Baran v. Med. Device Techs., Inc.*, 616 F.3d

1309, 1316 (Fed. Cir. 2010); *Tehrani v. Hamilton Med., Inc.*, 331 F.3d 1355, 1361 (Fed. Cir. 2003).

Fifth, specifying a charge percent level (i.e., 80%) or charge range level (i.e., 110 miles) requires completing underlying calculations; neither value is measured directly. EX2003, 60:21–61:20 (identifying factors impacting vehicle range); EX2002, ¶35 (same); EX1001, 15:22-5 (describing use of “a general average...a specific itinerary and/or past driving habits”). The charge percent level depends on the battery capacity, which is impacted by temperature and the battery’s age, for example. EX1093, 23:6-11; EX2003, 60:20–61:4, 61:18–62:5 (“The percentage is also an estimation”), 62:15-21.

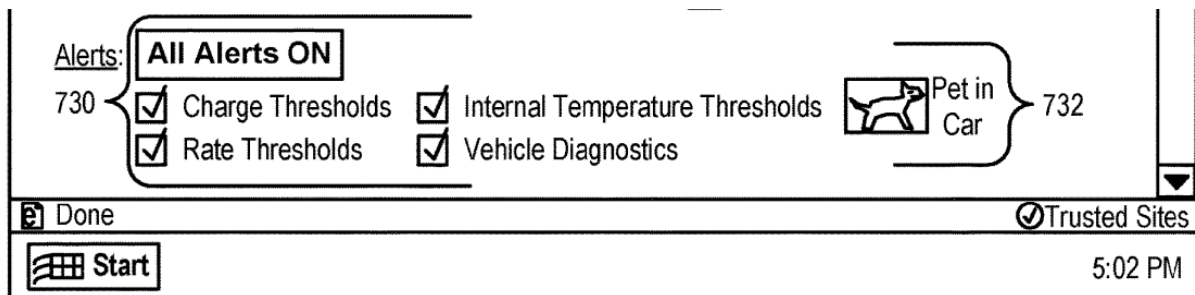
Therefore, “amount of charge” must cover *both* slider embodiments in the ’338 Patent.

3. *PO’s Interpretation Excludes Disclosed Embodiments and Reads a “Purpose” Requirement into the Claims*

Claim 1[n] recites: *determine that an amount of charge residing in a battery...has reached a predetermined threshold*. PO argues 1[n]’s recited threshold charge amount must be related to earlier limitations regarding providing AC for a pet while the car is parked (namely, 1[j]-1[m]). POR, 1, 20-21, 23-24, 48-49. The claim language does not support PO’s position. Independent Claims 1, 10, and 19 include no language associating the claimed threshold charge amount to the claimed

temperature control system or identifying the function of the predetermined threshold.¹

The specification does not support PO's interpretation either. PO asks the Board to limit the claimed *predefined threshold* to an embodiment where the operator is notified if the "charge level" falls below a level that would allow the A/C to remain on for fifteen minutes. POR, 21 (citing EX1001, 13:45-67). But the '338 Specification describes "internal temperature thresholds" and separately describes setting a "desired charge threshold[]" that is **not dependent** on maintaining a temperature while the car is parked. *See* EX1001, 15:52-55, 19:49-57.



EX1001, Fig. 7. Thus, nothing in the specification supports PO's proposed narrowing either.

PO also asks the Board to consider prior arguments relating to USPN 10,819,135, but the '135 Patent has different claim requirements that expressly link

¹ Claim 28 recites charging to a *predetermined amount* but does not recite a temperature control system.

climate control operation to later claim requirements. POR, 1-2, 22 (citing IPR2023-00063, Paper 29), 23 (citing EX2005). The '135 Patent recites:

operate a climate control mechanism... until the² amount of charge residing in the battery reaches a predetermined charge level.

EX1094, 29:43-47. The '338 claims have no such requirement, though they were filed years later. *See* EX1094 (filed 12/20/2017); EX1001 (filed 6/1/2022). Therefore, the IPR2023-00063 does not support PO's position either.

Finally, even if PO is correct that Claim 1[n]'s threshold charge amount relates to running the A/C while the vehicle is parked, still, that would not support PO's construction. POR, 19-24. Even for a car parked³ with a temperature control

² The '338 Patent also refers to “**an** amount of charge” reaching a predefined threshold in 1[n] rather than “**the** amount of charge” as the '135 Patent does, evidence that in the '338 Patent limitation 1[n] is not tied to prior limitations. *Wi-Lan, Inc. v. Apple, Inc.*, 811 F.3d 455, 462 (Fed. Cir. 2016) (“definite articles... refer[] back to the same term recited earlier”).

³ Mr. Andrews expressly **did not** agree that the claims require an operator to have left the vehicle. *Compare* POR, 20, *with* EX2003, 48:25–49:3 (saying nothing about the location of the operator); 49:4–50:1 (discussing an operator in the vehicle during

system running, it would be desirable to set a threshold amount of charge based on a distance, such as a distance to get home, and alert the user when the threshold is reached (Claim 1[o]). EX1001, 19:52-57 (the driver “may determine that the vehicle should be charged to have enough power to travel the 20 miles home”); EX1093, 35:11-17 (agreeing). Accordingly, PO’s position contradicts disclosed embodiments.

4. *Mr. Andrews Testimony Does Not Support PO’s Position*

PO claims Mr. Andrews testified that “amount of charge” is equivalent to “state of charge.” POR, 24, 43. Mr. Andrews actually testified: “you could say that [amount of charge and state of charge] are equivalent...depending on how you have specified the units.” EX2003, 59:8-13. This is true. An amount of charge may be expressed as a percentage of the battery’s capacity, according to the ’338 Patent (EX1001, 14:60-67, Fig. 7), and a state of charge is often represented as a percentage of the battery’s maximum capacity. EX1066, 1.

charging); 37:18–38:4 (when asked whether the operator could leave the vehicle, responding “I’d be speculating...it’s not described in the claim”).

It is not Petitioner's (or Mr. Andrew's) position that an amount of charge cannot be expressed as a percentage.⁴ EX1001, 14:60-67, FIG. 7. However, in the '338 Patent context, that is not the *only* way to express an amount of charge with a slider to meet Claim 1[h].

Accordingly, the Board should reject PO's attempt to exclude a claim embodiment.

B. PO's Vehicle Charge Indicator Element Arguments Misrepresent the Petition

PO argues the "vehicle charge indicator element" of Claim 1[h] must include the claimed subcomponents, "all integrated together" when displayed on the interface, and "not separate GUI components that are separately displayable on a GUI." POR, 25-27. Later patents in the family, including USPNs 11,990,788 and 11,631,987, require a "*unitary* vehicle charge indicator element." This casts doubt on PO's argument that "element" alone means "all integrated together." *Warner-Jenkinson Co., Inc. v. Hilton Davis Chemical Co.*, 520 U.S. 17, 20 (1997) ("[e]ach element contained in a patent claim is deemed material").

Regardless, the Petition mapped Claim 1[h] as a single element by "include[ing] Letendre's graphical slider **on the charge level bar graphic**

⁴ Thus Mr. Andrews' prior testimony in IPR2020-01189 is wholly consistent with his positions here. *Contra* POR 25, n.11.

presented on the GUI, where the operator moves the slider to specify a desired charge.” Pet., 40 (emphasis added), 41 (same); EX1003, ¶248. Even if the “indicator element” term requires the subcomponents to be “all integrated together,” the limitation is met.

To the extent PO contends specific coding is required to satisfy “a vehicle charge indicator element,” PO identifies no support from the claims or specification. POR, 26. Nevertheless, in the combination, programming would cause the GUI to display the co-located bar graphic and slider. EX1003, ¶250 (describing programming execution); *Fonar Corp., v. General Elect. Co.*, 107 F.3d 1543, 1549 (Fed. Cir. 1997) (where software constitutes part of carrying out an invention, “writing code for such software is within the skill of the art, not requiring undue experimentation, once its functions have been identified.”). Further, as discussed below, Dr. Goldstein has never designed an electric vehicle GUI, unlike Mr. Andrews (EX2003, 21:6–22:3), and for this additional reason, PO’s conclusory positions are not credible.

III. DEFINITION OF A POSITA

The parties dispute whether a POSITA would have had electric vehicle experience. The '381 Patent is directed to “systems and methods for *charging electric vehicles*” and all claims are directed to electrical charging systems and methods. EX1001, Abstract, claims 1-29. Accordingly, the Petition explains a POSITA would have “at least a bachelor’s degree in electrical or mechanical engineering (or an equivalent field) and at least two years of work experience involving automotive systems, **including electric vehicle power management.**” Pet., 2 (emphasis added); EX1003 ¶¶30-32.

PO’s alternative definition of a POSITA (EX2002, ¶25) does not require any electric vehicle experience and is inappropriate given the nature of the claimed invention. Notably, while PO’s expert has additional degrees and formal training, his hands-on experience with electric vehicles is lacking. He has never worked on the design of an electric vehicle charging system, never designed a GUI for an electric vehicle, and never designed an HVAC system for an electric vehicle. EX1093, 12:11–14:1. He has never owned an electric vehicle, never rented an electric vehicle, and never even personally plugged in an electric vehicle to charge. EX1093, 22:19–23:5. His closest experience comes from being on the Board of an electric vehicle company where, admittedly, he “wasn’t involved with engineering.” EX1093, 12:17-18. Accordingly, the opinions of PO’s expert regarding what would

have motivated a POSITA are entitled to little weight. *Ascend Performance Materials Operations LLC c. Samsung Sdi Co., Ltd.*, IPR2020-00349, Paper 53 at 11 (PTAB July 15, 2021) (“we take into account the qualifications of an expert witness—and any shortcomings revealed through cross-examination—when evaluating the weight to be given that witness's testimony[.]”).

IV. THE '338 PATENT CLAIMS ARE UNPATENTABLE

A. The Prior Art Teaches Claim 1[h]

1. It Is Undisputed that Letendre Teaches a Slider Setting a Distance and Maximum Range

Because PO's proposed construction of “amount of charge” is incorrect, its challenge to whether Letendre teaches limitation 1[h] also fails. POR, 39-43. *Supra*, II.A.

Letendre teaches a slider that allows the user to specify a distance and a minimum range, which is undisputed. POR, 40. Because (1) setting an amount of charge, within the '338 Patent context, at least includes setting a charge percent or a charge range (e.g. distance) with a slider, and (2) Letendre teaches setting a distance/range with a slider to control charging, Letendre teaches a slider by which an amount of charge may be specified. Pet., 39-41.

To the extent PO further argues the claims require the vehicle charge indicator element to be used to determine a charging schedule, PO again imports limitations into the claims. POR, 44. Claim 1[h] requires “at least one of the one or more

charging preferences” to be “defined by user input received via a graphical user interface” but does not link this requirement to the vehicle charge indicator element. *See* EX1093, 43:20–45:5 (Dr. Goldstein agreeing that “adapted to display” means “the graphical user interface...displays...”).

2. *PO Ignores a POSITA Being a Person of Ordinary Creativity*

PO alleges the combination of Letendre’s slider and Donnelly’s bar graph is inoperable because the two references use different scales, attacking the Petition for not explaining how to bodily incorporate Letendre into the Ferro-Donnelly combination. POR 45-46. But “[t]he test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference...Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art.” *MCM Portfolio LLC v. Hewlett-Packard Co.*, 812 F.3d 1284, 1294 (Fed. Cir. 2015). PO provides no reason why a POSITA, a person of ordinary creativity with at least a bachelor’s degree in engineering, would have been incapable of resolving any (unclaimed) implementation details, including a unified scale, with basic math. EX1003, ¶¶247-249 (describing common use of sliders).

3. *Ferro Also Teaches Setting an Amount of Charge*

Ferro teaches “an amount of charge may be specified via user-input charging preferences including a minimum amount of charge and/or a maximum amount of

charge.” Pet., 38-40. PO argues this is not a teaching of an amount of charge because the claim requires a user to be able to “specify any amount of charge between 1% and 100%, not just to select between two choices.” POR, 45. Even if being able to specify “any amount of charge” were required to meet Claim 1[h] (it is not), Ferro does not just teach a user selecting between two choices but rather selecting “**different levels** of charge depending on power source.” EX1004, [0123]; EX1003, ¶241.

B. A POSITA Would Have Combined Ferro and Oyobe

Claim 1[e] recites: “receive, from a vehicle sensor, information indicative of a presence of an electric vehicle in a parking space.” *See also* Claim 19[e] (same). PO challenges: (1) whether a POSITA would have incorporated Oyobe’s vehicle sensor into Ferro’s electric vehicle, and (2) whether Oyobe’s vehicle sensor detecting when a hybrid vehicle “is parked at the location where charging equipment is installed” (EX1005, [0142]-[0143]) teaches a vehicle sensor providing “information indicative of a presence of an electric vehicle in a parking space.” EX1001, Claim 1[e].

1. Oyobe’s Vehicle Sensor Improves Ferro

PO argues a POSITA would not have incorporated Oyobe’s vehicle sensor into Ferro’s electric vehicle because Ferro already teaches the function of Oyobe. POR, 29-30. PO misapprehends Ferro.

Ferro already teaches *manual* options for initiating charging, such as “plugging into an electric outlet,” “selecting an option...associated with charging station 403,” or “informing an operator of the charging station. EX1003, ¶146 (citing EX1004, [0109]). Ferro also refers to wireless charging but without implementation details. EX1004, [0036]; EX2003, 54:8–55:9 (for wireless charging, “what that sensor would be is not described in Ferro”). A POSITA therefore would have been motivated to apply Oyobe’s vehicle sensor to “instruct charging without exiting the vehicle and physically interacting with a charging station.” Pet., 12; EX1003, ¶¶151–152.

Therefore, PO’s argument should be rejected here, just like it was in the Board’s FWD in IPR2023-00062 (Paper 35). As the Board held, “that Ferro teaches its vehicle and charging station connected to a network, as well as ways in which charging can be manually initiated...does not detract from Petitioner’s proposed modifications” with a reference that explicitly teaches detecting the presence of a vehicle in a parking space. *Id.*, 28–29.

2. The Teachings of Oyobe and Ferro Are Compatible

PO next argues the combination of Oyobe and Ferro would be inoperable. PO first claims Oyobe’s signal would not be usable as an “intention to charge” in Ferro’s system because “Oyobe’s device is not capable of identifying whether the vehicle is in a position to charge.” POR, 33. PO’s conjecture is unsupported. The purpose of

Oyobe's "vehicle position detecting apparatus 108" is to "detect[] whether or not hybrid vehicle 100B is parked at the location where charging equipment is installed" so that charging can be performed. EX1005, [0142], [0145] ("informing apparatus 102 will not unnecessarily operate...where charging cannot be performed").

Further, PO misunderstands what an "intention to charge" is in Ferro's system; it does not necessarily indicate the vehicle is prepared to charge. Rather, in response to the "intention to charge" the dynamic energy transaction planner gathers inputs and submits a dynamic energy transaction plan "**for implementation once the vehicle is connected at the charge/discharge outlet at charging station** and/or electric vehicle 402 is authorized to begin charging/discharging after electric vehicle is connected to the outlet." EX1004, [0111]-[0113] (emphasis added).

PO next speculates Oyobe's vehicle would not be correctly aligned with Ferro's wireless charger. *Id.*, 34-35. But it is undisputed that how to properly align a vehicle with a wireless charger was known. EX2002, ¶77; EX1052, 1 ("inductive charging...without any mechanical adjustment"). Even the '338 Patent recognized exact alignment was not critical, and companies had "demonstrated power transmission *for quite a distance* [.]” EX1001, 18:44-52.

Moreover, Claim 1[e] does not require any particular alignment relative to a *charger* at all. Claim 1[e] refers to "a presence of an electric vehicle **in a parking space.**" EX1001, Claim 1[e] (emphasis added). PO does not dispute the Petition's

evidence that (1) charging equipment is commonly installed proximate a parking space, (2) any space proximate the charging station is a parking space, and (3) Oyobe teaches detecting when a hybrid vehicle “is parked at the location where charging equipment is installed.” Pet., 19-20 (citing EX1003, ¶¶178-181).

The ’338 Specification does not limit vehicle sensors to sensors *only* detecting vehicles precisely aligned with a charger. EX1001, 9:58-60. One example uses Bluetooth®, which PO’s expert admits at the time of the invention had a range of **at least 30 feet**. EX1093, 51:11-23; EX1001, 9:67-10:4. Thus, PO’s focus on one “embodiment” where “the sensor may...analyze a positioning of a vehicle” is misplaced. POR, 30-31 (citing EX1001, 16:45-51).

3. PO Misrepresents Oyobe

PO’s claim that Oyobe only “alert[s] the user when the battery is low” is not responsive to the Petition’s mapping. POR, 32 (citing EX1005, [0047]). The Petition does not rely on Oyobe’s informing apparatus 102, as the Board already recognized in the Institution Decision. Paper 11, 20-21.

PO’s claim that “Oyobe would not desire to inform the driver of a need to charge...when the Oyobe ‘vehicle is parked at a charging station’” is likewise incorrect. POR, 34 (emphasis in original). Oyobe states the opposite: “informing apparatus 102 will not unnecessarily operate at the location with no charging equipment where charging cannot be performed.” EX1005, [0145].

Finally, PO alleges there is a disconnect between Oyobe's teachings and the Petition's motivations to combine because the "entire purpose of Oyobe occurs when the user has exited the vehicle" since Oyobe teaches an informing apparatus "can easily be seen by the driver when the driver has exited[.]" POR, 35-36.

PO misrepresents the motivations to combine. The combination of Ferro and Oyobe would have "***allow[ed]*** a user to remain in-vehicle while charging," not required the user to never leave. Pet., 12 (emphasis added). The combination further would have allowed the user to "instruct charging without exiting the vehicle and physically interacting with a charging station," not required the user to stay in the car during charging. *Id.* (citing EX1003, ¶¶151-152). Therefore, the motivation to combine does not require the user to be in any particular location to receive the benefits of the combination. By focusing on Oyobe's informing apparatus 102, PO "improperly fail[s] to read" Oyobe for "all that it teaches[.]" *In re Mouttet*, 686 F.3d 1322, 1331 (Fed. Cir. 2012).

C. PO's View of Sending an Alert to An Operator Is Overly Narrow

The Petition maps the "send an alert" requirement of Claim 1[n] to displaying an alert on a touchscreen, consistent with the '338 Patent's teaching that displaying a message on a dashboard display device is one way of sending a message to the user. EX1001, 20:18-26 (the electrical charging system may "alert the driver to potential problems" by "send[ing] a message...**to the user** via a user specified

node, such as a message on a dashboard display device, a message sent to a cell phone, an email account or the like.”) (emphasis added).

PO argues Claim 1[n] is not met because displaying an alert on the vehicle’s screen would not alert a user outside the vehicle (POR, 51). Nothing in Claim 1[n] requires the vehicle to be parked when the alert is sent, for the driver to be outside of the vehicle when the alert is sent, or for the A/C to be operating when the alert is sent.

Further, PO reads into the claims a requirement that the operator of the vehicle *sees* the alert. POR, 51. But the claims only require the system to “*send* an alert to an operator.” If the alert were sent to the operator’s phone, it may not be received because the phone might be dead or not with the operator. EX1001, 20:18-26; EX1093, 60:5-25. PO’s expert agrees, a sent message is still sent regardless of whether it is acknowledged. *Id.* PO’s improperly narrow reading of the claims is unsupported and must be rejected.

PO next argues that because Claim 1[k] recites “display via the graphical user interface an indication of a status of the selected mode of operation of the electric vehicle[,]” *sending* an alert must mean something other than *displaying* an alert on the dashboard of the vehicle. POR, 52-53. There is a difference between “display” and “sending an alert”—sending an alert is broader. EX2003, 38:12-17 (“Displaying

an alert is a form of sending an alert,” and displaying an alert is “a more limited form...of sending an alert.”).

Moreover, PO’s claim that mapping “sending an alert” to displaying the alert on the screen makes Claims 1[k] and 1[n] redundant is inaccurate. Claim 1[k] is mapped to, for example, displaying that “the HVAC mode is on[.]” Pet., 50. EX1093, 62:22–63:8 (Dr. Goldberg agreeing that on/off is a “status”). Claim 1[n] is mapped to displaying a warning on the vehicle’s dashboard when the battery is too low. Pet., 56-59. Therefore, the Petition has not conflated Claims 1[k] and 1[n]. PO’s argument that “when the status of the selected mode of operation is changing, the [GUI] will already display the warning represented as a ‘status’ of the selected mode of operation” is inaccurate; an “on/off” indicator is not equivalent to a low battery alert. EX2002, ¶110, POR 51-53.

D. Claims 2, 11, and 20 Are Obvious

Letendre teaches displaying its user interface (including its sliders) on a webpage, as PO admits. POR, 54. The Petition explains why a POSITA would have been motivated to implement a web-based GUI, and PO’s conclusory arguments do not address (much less rebut) the Petition’s well-reasoned motivations. Pet., 59-61; EX1003, ¶¶310-313.

V. PO'S MOTIVATION TO COMBINE CHALLENGES FAIL

PO repeatedly alleges the Petition improperly uses “hindsight.” POR, 31-32, 55, 57, 61. But PO never directs the Board “to any knowledge *gleaned only from application’s disclosure* that Petitioner allegedly relies upon.” *Uber Tech, Inc. v. LBT IP II LLC*, IPR2022-00880, Paper 29, 54-55 (PTAB Dec. 6, 2023) (emphasis original); *Google LLC v. Ecofactor, Inc.*, IPR2020-01504, Paper 55, 43 (PTAB Aug. 1, 2024) (rejecting hindsight argument as “not fully developed” because “there is no detailed discussion as to how Petitioner is allegedly using hindsight.”). For this reason, and the reasons below, PO’s motivation to combine challenges fail.

A. Ground 2’s Motivation to Combine Knockart

PO admits Petitioner provided a motivation (Pet., 73), and does not argue the motivation is insufficient. POR, 55; EX2002, ¶115. Instead, PO argues Knockart does not “monitor or input selected modes of operation.” *Id.*, 56. This is not a requirement of the claims or the combination. The Ferro system already implements a GUI on a touch screen for inputting charging preferences and a mode of operation (e.g., HVAC mode). Pet., 31-33, 46-47. In the combination, the GUI would be adapted to be displayed on “a removable personal device communicating with an in-vehicle system,” as taught by Knockart. *Id.*, 72-73; EX1003, ¶¶387-388.

B. Ground 3's Motivation to Combine Sutardja

PO admits Petitioner provides a motivation to combine Sutardja, and provides no substantive rebuttal, relying only on an undeveloped hindsight argument. POR, 57.

C. The Petition's Detailed Motivations to Combine Are Sufficient

PO argues the motivations are “only general,” (POR, 58-59) without substantively engaging with the Petition's many pages of specific reasoning:

- Oyobe's vehicle sensor (Pet., 11-12; EX1003, ¶¶150-152);
- Donnelly's battery charge bar graphic, with Letendre's slider (Pet., 31-41; EX1003, ¶¶215-250);
- Zeigler's HVAC mode (Pet., 46-50; EX1003, ¶¶263-281);
- Galvez-Ramos pet-suitable HVAC system (Pet., 53; EX1003, ¶289);
and
- Donnelly's alerts (Pet., 58; EX1003, ¶¶301-302).

The Petition's motivations are specific, and “virtually none of the substance of [Mr. Andrews'] testimony [is] unsupported by objective evidence.” Paper 11, 39. This is far afield from simply arguing “all of the elements of the claims disparately

existed in the prior art.” *InTouch Techs., Inc. v. VGo Comm’cns, Inc.*, 751 F.3d 1327, 1348-49 (Fed. Cir. 2014); POR, 61-62⁵.

Notably, PO does not rebut the Petition’s showing that the applied prior art is analogous and reasonably pertinent to the problems addressed by the ’338 Patent. Pet., 4-9. Indeed, the phrases “analogous” and “reasonably pertinent” do not appear in the POR.

PO’s claim that “four or more references...require[s] additional inquiry” is legally incorrect. POR, 62-63. “[A] large number of references in a rejection does not, without more, weigh against the obviousness of the claimed invention.” *In re Gatabi*, No. 2022-1580, 2023 WL 3477285, at *3 (Fed. Cir. May 16, 2023).

Furthermore, Claim 1 recites disparate vehicle features with no claimed relationship to each other, including, e.g., (1) a vehicle sensor to detect when a vehicle is in a parking space, (2) a GUI for inputting charging preferences, (3) an HVAC system with a mode of operation suitable for a pet, and (4) an alert based on a predetermined threshold. EX1001, 29:31–30:17; EX2003, 78:13-15. It is unsurprising that a POSITA would look to multiple references when developing

⁵ PO relies on outdated law; *In re Wesslau*, 353 F.2d 238 (CCPA 1965) predates and is superseded by *KSR. Ex Parte Stephanie Hoyas*, Appeal 2024-001144, at 9 (PTAB Mar. 5, 2025).

disparate features of an electric vehicle; the number of references does not detract from the merits of the Grounds.

PO misunderstands the standard for obviousness in multi-reference combinations. POR, 64-65, 55. “There is no per se rule that requires each subset of prior art references to be independently combined[.]” *Ericsson Inc. v. Intellectual Ventures II LLC*, IPR2014-01195, Paper 37, 18-19 (PTAB Jan 29, 2016). When “two discrete combinations” are involved, “independent articulations addressing the combination[s]...sufficiently address the combination of the relevant teachings.” *Nichia Corp. v. Lighting Science Group Corp.*, IPR2019-01259, Paper 45, 42 (PTAB Jan. 8, 2021). The Petition addresses independent modifications separately (e.g., operating an HVAC when a vehicle is parked, per Zeigler). Where vehicle features are not disparate (e.g., slider on GUI), the Petition addresses the “proposed combination as a whole.” *Samsung Electronics Co., Ltd. v. Smart Mobile Tech. LLC*, IPR2022-01249, Paper 13, 25-26 (PTAB Jan. 24, 2023); Pet., 53, 40.

PO’s “contradictory motivation[s]” arguments fail too. POR, 64-65. A user would benefit from the *option* to stay in the vehicle to instruct charging and value the *option* of being able to leave the vehicle during charging. Pet., 12, 50, 73.

Finally, Dr. Goldberg’s conclusory motivation to combine statements are identical to the conclusory statements in the POR and should be afforded “little weight.” Cf. POR, 58-65, with EX2002, ¶¶119-125; *Xerox Corp. v. Bytemark, Inc.*,

IPR2022-00624, Paper 9, 15 (PTAB Aug. 24, 2022). Because Dr. Goldberg has never even personally plugged in an electric vehicle to charge it is questionable whether he can credibly speak to what would or would not be beneficial to a POSITA when charging an electric vehicle at all.

D. The Unrebutted Reasonable Expectation of Success for Each Modification

PO does not explain how any REOS is deficient, instead generically stating designing the claimed system “is extremely challenging” and finding the right balance “requires careful experimentation and engineering.” POR, 66. This “argument” absent “any actual evidence” of a challenge is “insufficient” to rebut the evidence of record. *Livanova, Inc. v. Neuro and Cardiac Tech., LLC*, IPR2019-00264, Paper 32, 40 (PTAB May 18, 2020).

Likewise, Dr. Goldberg’s claim that “GUI creation was not obvious or trivial,” is undermined by his lack of personal EV GUI design experience. EX2002, ¶126; EX1093, 12:5-7. Indeed, the very evidence he points to indicates GUIs were in widespread use and regularly created using “pre-manufactured components” before the priority date. EX2004, 21; EX2003, 17:23–19:7 (discussing available GUI libraries).

VI. CONCLUSION

For the reasons provided above and in the Petition and supporting evidence, Petitioner Tesla Inc. requests cancellation of the Challenged Claims.

Respectfully submitted,
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APPENDIX OF EXHIBITS

Exhibit 1001	U.S. Patent No. 11,563,338 to Ambroziak, et al. (“the ’338 Patent”)
Exhibit 1002	U.S. Patent No. 11,563,338 File History (“the ’412 File History”)
Exhibit 1003	Declaration of Scott Andrews
Exhibit 1004	U.S. Patent Application Publication No. 2009/0313034 to Ferro, et al. (“Ferro”)
Exhibit 1005	European Patent Application Publication 1920968 to Oyobe, et al. (“Oyobe”)
Exhibit 1006	U.S. Patent No. 7,124,691 to Donnelly, et al. (“Donnelly”)
Exhibit 1007	Letendre, S.E. and Kempton, W. <i>The V2G Concept: A New Model for Power?</i> Public Util. Fortn. February 2002, 140, pp. 16-26. (“Letendre”)
Exhibit 1008	U.S. Patent Application Publication No. 2009/0130965 to Galvez-Ramos (“Galvez-Ramos”)
Exhibit 1009	U.S. Patent No. 6,889,762 to Zeigler, et al. (“Zeigler”)
Exhibit 1010	U.S. Patent No. 6,622,083 to Knockeart et al. (“Knockeart”)
Exhibit 1011	U.S. Patent Publication No. 2008/0136371 to Sutardja (“Sutardja”)
Exhibit 1012	Willett Kempton and Jasna Tomić. <i>Vehicle-to-grid power fundamentals: Calculating capacity and net revenue</i> . Journal of Power Sources. 2005. 144. pp. 268–279 (“Kempton 2005 – Revenue”)
Exhibit 1013	Chan, <i>The State of the Art of Electric and Hybrid Vehicles</i> , February 2002, Vol. 90, No. 2, IEEE (“Chan”)
Exhibit 1014	<i>Electric Vehicle Battery Systems</i> , Sandeep Dhameja, Newnes, 2002 (“Sandeep”)
Exhibit 1015	U.S. Patent No. 5,573,090 to Ross (“Ross”)
Exhibit 1016	Weed, R. <i>Electric Vehicles: Copper Applications in Electrical</i> . February 1998. (“Weed”)
Exhibit 1017	Rawson, Kateley, <i>Electric Vehicle Charging Equipment Design and Health and Safety Codes</i> , SAE Intl., 1999 (“Rawson”)
Exhibit 1018	U.S. Patent No. 7,693,609 to Kressner et al. (“Kressner”)
Exhibit 1019	U.S. Patent No. 7,084,859 to Pryor (“Pryor”)

Exhibit 1020	U.S. Patent Publication No. 2008/0039980 to Pollack et al. (“Pollack”)
Exhibit 1021	<i>Installation Guide for Electric Vehicle Charging Equipment</i> , Massachusetts Division of Energy Resources, September 200 (“Massachusetts Division of Energy Resources”)
Exhibit 1022	U.S. Patent No. 5,467,006 to Sims (“Sims”)
Exhibit 1023	U.S. Provisional Application 61/134,646 (“’646 Provisional”)
Exhibit 1024	U.S. Patent Publication No. 2009/0312903 to Hafner et al. (“Hafner”)
Exhibit 1025	U.S. Patent No. 6,081,205 to Williams (“Williams”)
Exhibit 1026	U.S. Patent No. 6,614,204 to Pellegrino et al. (“Pellegrino”)
Exhibit 1027	Brooks, Gage, <i>Integration of Electric Drive Vehicles with the Electric Power Grid – a New Value Stream</i> , EVS 18 Berlin, 2001 (“Brooks”)
Exhibit 1028	U.S. Patent Publication No. 2008/0312782 to Berdichevsky et al. (“Berdichevsky”)
Exhibit 1029	U.S. Patent No. 5,487,002 to Diller et al. (“Diller”)
Exhibit 1030	U.S. Patent No. 2,309,941 to Drummond (“Drummond”)
Exhibit 1031	U.S. Patent Publication No. 2003/0230443 to Cramer et al. (“Cramer”)
Exhibit 1032	Aylor et al., <i>A Battery State-of-Charge Indicator for Electric Wheelchairs</i> , IEEE Transactions on Industrial Electronics, Vol. 39, No. 5, October 1992 (“Aylor”)
Exhibit 1033	Nadal, M and Birbar, F. <i>Development of a Hybrid Fuel Cell/Battery Powered Electric Vehicle</i> . Iht. J. Hydrogen Energy. 1996. Vol. 21, No. 6. pp. 491-505. (“Nadal”)
Exhibit 1034	2006 Civic Hybrid Online Reference Owner’s Manual, Honda (“2006 Honda Civic Manual”)
Exhibit 1035	2000 Insight Online Reference Owner’s Manual, Honda (“2000 Honda Insight Manual”)
Exhibit 1036	Owners Manual: 2008 Tesla Roadster, Tesla (“2008 Tesla Roadster”)
Exhibit 1037	<i>The Human-Computer Interaction Handbook: Tangible User Interfaces</i> , Second Edition, 2007, Hiroshi Ishii, MIT Media Laboratory, (“Ishii”)
Exhibit 1038	<i>The Graphical User Interface: An Introduction</i> , Jansen, Computer Science Program University of Maryland, 1998, SIGCHI Bulletin (“Jansen”)

Exhibit 1039	Johnsgard et al., <i>A Comparison of Graphical User Interface Widgets for Various Tasks</i> , Proceedings of the Human Factors and Ergonomics Society, 39 th Annual Meeting, 1995 (“Johnsgard”)
Exhibit 1040	Olsen Jr. et al., <i>Input/Output Linkage in a User Interface Management System</i> , ACM, Vol. 19, No. 3, 1985 (“Olsen”)
Exhibit 1041	U.S. Patent No. 6,577,928 to Obradovich (“Obradovich”)
Exhibit 1042	U.S. Patent Publication No. 2007/0015451 to McGrath, JR (“McGrath”)
Exhibit 1043	U.S. Patent No. 6,158,225 to Muto et al. (“Muto”)
Exhibit 1044	U.S. Patent No. 4,955,203 to Sundhar (“Sundhar”)
Exhibit 1045	<i>Proper Handling Helps Make the Most of Li-Ion Batteries</i> , Maxim Integrated, Application Note 663, January 24, 2001 (“Proper Handling”)
Exhibit 1046	<i>Proper Care Extends Li-Ion Battery Life</i> , Fran Hoffart, Linear Technology, April 1, 2008, https://www.electronicdesign.com/markets/mobile/article/21190344/proper-care-extends-li-ion-battery-life (“Proper Care”)
Exhibit 1047	<i>Battery Monitoring Considerations for Hybrid Vehicles and Other Battery Systems with Dynamic Duty Loads</i> , Andrew Kallfelz, Battery Power Products and Technology, Vol. 10, No. 3, June 2006 (“Kallfelz”)
Exhibit 1048	U.S. Patent Application Publication No. 2003/0004662 to Mitchell et al. (“Mitchell”)
Exhibit 1049	U.S. Patent No. 5,698,967 to Baer et al. (“Baer”)
Exhibit 1050	U.S. Patent No. 5,563,491 to Tseng (“Tseng”)
Exhibit 1051	U.S. Patent No. 6,154,005 to Hyogo et al. (“Hyogo”)
Exhibit 1052	<i>Sakamoto et al.</i> , Large Air-Gap Coupler for Inductive Charger, IEEE Transactions on Magnetics, Vol. 35, No. 5, September 1999 (“Matsuo”)
Exhibit 1053	U.K. Patent Application No. GB 2438979 to Taylor-Haw et al. (“Taylor-Haw”)
Exhibit 1054	U.S. Patent No. 5,523,666 to Hoelzl et al. (“Hoelzl”)
Exhibit 1055	<i>Understanding Your Motherboard’s Bus System</i> , James McPherson, TechRepublic, December 19, 2000 (“McPherson”)
Exhibit 1056	<i>Computer: History of Computers</i> , Gary Masters, Microsoft Encarta, 1994 (“History”)

Exhibit 1057	<i>Fukuda et al., Evaluating Second Car System, an Electric Vehicle Sharing Experiment in Tama New Town District, Inagi City, Tokyo</i> , TRB Annual Meeting, 2003 (“Fukuda”)
Exhibit 1058	<i>2008 Chevrolet Tahoe, Suburban Owner Manual</i> , 2008 (“2008 Chevrolet Tahoe, Suburban Owner Manual”)
Exhibit 1059	U.S. Patent No. 8,266,075 to Ambrosio et al. (“Ambrosio”)
Exhibit 1060	<i>An Introduction to Graphical User Interfaces and Their Use by CITIS</i> , Sherrick, Susan, U.S. Dept. of Commerce, 1992 (“Sherrick”)
Exhibit 1061	U.S. Patent No. 5,555,502 to Opel (“Opel”)
Exhibit 1062	<i>All Volkswagens Built after 2008 to get touchscreen system</i> , Rory Jurnecka, MT, November 12, 2007 (“Jurnecka”)
Exhibit 1063	<i>Geneva '08 Preview: BMW ConnectedDrive Allows Unrestrcited in-car Internet</i> , Michael Harley, February 22, 2008 (“Harley”)
Exhibit 1064	<i>Chicago 2008: Ford Introduces Work Solutions in-dash computer package for F-150 [w/video]</i> , Ford, February 5, 2008, (“Ford”)
Exhibit 1065	U.S. Patent No. 8,405,618 to Colgate et al. (“Colgate”)
Exhibit 1066	<i>A Guide to Understanding Battery Specifications</i> , MIT Electric Vehicle Team, December 2008 (“Electric Vehicle Team”)
Exhibit 1067	U.S. Patent No. 7,904,219 to Lowrey et al. (“Lowrey”)
Exhibit 1068	<i>Internet Multimedia on Wheels: Connecting Cars to Cyberspace</i> , Jameel et al., IEEE, 1998 (“Jameel”)
Exhibit 1069	U.S. Patent No. 7,285,936 to Ohnuma et al. (“Ohnuma”)
Exhibit 1070	U.S. Patent No. 7,501,793 to Kadouchi et al. (“Kadouchi”)
Exhibit 1071	U.S. Patent Application Publication No. 2005/0278079 to Maguire (“Maguire”)
Exhibit 1072	<i>PowerSafe: Safety, Storage, Operating, and Maintenance Manual</i> , VRLA Battery Systems mSeries, EnerSys, March 2008 (“PowerSafe”)
Exhibit 1073	Kempton et al., <i>Electric Vehicles as a New Power Source for Electric Utilities</i> , Transpn Res., Vol. 2, No. 3, Elsevier, 1997 (“Kempton”)
Exhibit 1074	<i>Webster’s New World Telecom Dictionary</i> , Ray Horak, Wiley Publishing, 2008 (“Webster’s New World Telecom Dictionary”)
Exhibit 1075	Eick, SG. <i>Data Visualization Sliders</i> , ACM UIST, November 2004, (“Eick”)

Exhibit 1076	U.S. Patent No. 5,615,347 to Davis et al. (“Davis”)
Exhibit 1077	Patent Owner’s Preliminary Response IPR2022-01217
Exhibit 1078	U.S. Patent No. 5,654,621 to Seelig (“Seelig”)
Exhibit 1079	U.S. Patent No. 5,734,872 to Kelly (“Kelly”)
Exhibit 1080	<i>Pervasive Computing: The Smart Phone – Customizing User Interaction in Smart Phones</i> , Korpipää et al., IEEE CS, 2006 (“Pervasive Computing: the Smart Phone”)
Exhibit 1081	<i>Spotlight: The Rise of the Smart Phone</i> , Pei Zheng et al., IEEE Computer Society, Vol. 7, No. 3, March 2006 (“Zheng”)
Exhibit 1082	U.S. Patent No. 7,988,543 to Major (“Major”)
Exhibit 1083	U.S. Patent No. 5,775,406 to Ghitea, Jr. (“Ghitea”)
Exhibit 1084	U.S. Patent No. 6,323,775 to Hansson et al. (“Hansson”)
Exhibit 1085	IPR2022-00519 Declaration of Scott Andrews
Exhibit 1086	Declaration of June Ann Munford (“ <i>Munford Dec.</i> ”)
Exhibit 1087	Charge Fusion Technologies, LLC v. Tesla, Inc., 1_22-cv-00488, No. 79 Plaintiff Charge Fusion Technologies, LLC’s Motion For Leave to Amend Complaint (W.D.Tex. Jun. 5, 2024)
Exhibit 1088	Charge Fusion Technologies, LLC v. Tesla, Inc., 1_22-cv-00488, No. 74 Order to Stay (W.D.Tex. Feb. 23, 2023)
Exhibit 1089	U.S. Patent No. 9,853,488 to Fincham et al. (the ’488 Patent”)
Exhibit 1090	<i>Happy Birthday, Plam Pilot</i> , Gary Krakow, March 22, 2006, (“Krakow”)
Exhibit 1091	<i>Your Plam Treo 700p Smartphone User Guide</i> , Palm, 2006 (“PALM Treo 700P Manual”)
Exhibit 1092	U.S. Patent No. 5,596,261 to Sunyama (“Sunyama”)
Exhibit 1093	Deposition Transcript Dr. Steven Goldberg November 3, 2025
Exhibit 1094	U.S. Patent No. 10,819,135 to Ambroziak, et al.
Exhibit 1095	U.S. Patent No. 11,631,987 to Ambroziak, et al.
Exhibit 1096	U.S. Patent No. 11,990,788 to Ambroziak, et al

CERTIFICATION OF WORD COUNT

The undersigned certifies pursuant to 37 C.F.R. § 42.24 that the foregoing Petitioner's Reply to Patent Owner's Response, excluding any table of contents, mandatory notices under 37 C.F.R. § 42.8, certificates of service or word count, or appendix of exhibits, contains 5,483 words according to the word-processing program used to prepare this document (Microsoft Word).

Dated: December 5, 2025

/s/ Jennifer C. Bailey

Jennifer C. Bailey, Reg. No. 52,583

ATTORNEY FOR PETITIONER

CERTIFICATE OF SERVICE ON PATENT OWNER
UNDER 37 C.F.R. § 42.6

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on December 5, 2025, the foregoing *Petitioner's Reply To Patent Owner's Response* was served via electronic filing with the Board and via Electronic Mail on the following practitioners of record for Patent Owner:

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