

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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TESLA, INC.,  
Petitioner,  
v.

CHARGE FUSION TECHNOLOGIES, LLC,  
Patent Owner.

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Case IPR2025-00152

Patent 11,990,788

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**PATENT OWNER'S RESPONSE**

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## **EXHIBIT LIST**

### **Currently Filed – Patent Owner**

| <b>Ex. No.</b> | <b>Description</b>                                                                                         |
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| 2001           | Declaration of Dr. Steven Goldberg in Support of Patent Owner Preliminary Response                         |
| 2002           | Lexus 2009 Remote Touch Release                                                                            |
| 2003           | U.S. Patent 10,998,753 Notice of Allowance                                                                 |
| 2004           | U.S. Patent 11,631,987 Notice of Allowance                                                                 |
| 2005           | U.S. Patent 11,631,987 Examiner Interview Summary                                                          |
| 2006           | U.S. Patent 11,990,788 Notice of Allowance                                                                 |
| 2007           | US 2009/0189807 (“Scalisi”)                                                                                |
| 2008           | Declaration of Dr. Steven Goldberg in Support of Patent Owner Response                                     |
| 2009           | Deposition Transcript of Scott Andrews, August 21, 2025, in IPR2025-00032                                  |
| 2010           | Declaration of Scott Andrews in IPR2020-01189. Apple Inc. v LBT IP I LLC, IPR2020-01189, EX1003, 7/22/2020 |
| 2011           | Deposition Transcript of Scott Andrews, October 1, 2025                                                    |

## **CLAIM LISTING**

| <b>Independent Claim 1</b> |                                                                                                                                                                                                                                                                                                                                                                                                           |
|----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Claim 1[Pre]               | An electrical charging system, comprising:                                                                                                                                                                                                                                                                                                                                                                |
| Claim 1[a]                 | one or more processing devices; and                                                                                                                                                                                                                                                                                                                                                                       |
| Claim 1[b]                 | a non-transitory memory device in communication with the one or more processing devices, the non-transitory memory storing instructions that when executed by the one or more processing devices, result in:                                                                                                                                                                                              |
| Claim 1[c]                 | receiving information indicative of a desired charge level of a battery of an electric vehicle wherein the desired charge level is defined by a user of the electric vehicle via a Graphical User Interface (GUI) forming a part of the electric vehicle and adapted to display a unitary vehicle charge indicator comprising a combination of input and output GUI elements the GUI elements comprising: |
| Claim 1[d]                 | (i) a first portion indicative of an amount of charge residing in a battery of the electric vehicle;                                                                                                                                                                                                                                                                                                      |
| Claim 1[e]                 | (ii) a second portion indicative of an uncharged capacity of the battery of the electric vehicle; and                                                                                                                                                                                                                                                                                                     |
| Claim 1[f]                 | (iii) a third portion comprising a slider by which an amount of charge may be specified;                                                                                                                                                                                                                                                                                                                  |
| Claim 1[g]                 | displaying a charging status of the electric vehicle via the GUI; and                                                                                                                                                                                                                                                                                                                                     |

|                          |                                                                                                                                                                                                                                                                  |
|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Claim 1[h]               | increasing, in accordance with the desired charge level, a level of charge of the battery of the electric vehicle;                                                                                                                                               |
| Claim 1[i]               | wherein the desired charge level of the battery represents a specific amount of charge desired to reside in the battery after increasing the level of charge.                                                                                                    |
| <b>Dependent Claim 2</b> |                                                                                                                                                                                                                                                                  |
| Claim 2[Pre]             | The electrical charging system of claim 1, wherein executing the instructions by the one or more processing devices further results in:                                                                                                                          |
| Claim 2[a]               | determining, based at least on the desired charge level, a charging schedule for the electric vehicle.                                                                                                                                                           |
| <b>Dependent Claim 3</b> |                                                                                                                                                                                                                                                                  |
| Claim 3                  | The electrical charging system of claim 2, wherein the increasing of the level of charge is performed in accordance with the charging schedule.                                                                                                                  |
| <b>Dependent Claim 4</b> |                                                                                                                                                                                                                                                                  |
| Claim 4                  | The electrical charging system of claim 1, wherein the first portion operates to output the amount of charge residing in the battery, the second portion operates to output the uncharged capacity of the battery and the third portion is an input GUI element. |
| <b>Dependent Claim 5</b> |                                                                                                                                                                                                                                                                  |
| Claim 5[Pre]             | The electrical charging system of claim 1, wherein the increasing of the level of charge of the battery of the electric vehicle, comprises:                                                                                                                      |
| Claim 5[a]               | transmitting a control signal to a parking space charge device that starts a charging, in accordance with the charging schedule, of the electric vehicle.                                                                                                        |

| <b>Independent Claim 6</b> |                                                                                                                                                                                                                                                                                                                                |
|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Claim 6[Pre]               | An electrical charging system, comprising:                                                                                                                                                                                                                                                                                     |
| Claim 6[a]                 | one or more processing devices; and                                                                                                                                                                                                                                                                                            |
| Claim 6[b]                 | a non-transitory memory device in communication with the one or more processing devices, the non-transitory memory storing instructions that when executed by the one or more processing devices, result in:                                                                                                                   |
| Claim 6[c]                 | receiving information indicative of a desired charge level of a battery of an electric vehicle wherein the desired charge level is defined by a user of the electric vehicle via a Graphical User Interface (GUI) forming a part of the electric vehicle and adapted to display a unitary vehicle charge indicator comprising: |
| Claim 6[d]                 | (i) a first portion indicative of an amount of charge residing in a battery of the electric vehicle;                                                                                                                                                                                                                           |
| Claim 6[e]                 | (ii) a second portion indicative of an uncharged capacity of the battery of the electric vehicle; and                                                                                                                                                                                                                          |
| Claim 6[f]                 | (iii) a third portion comprising a slider by which an amount of charge may be specified;                                                                                                                                                                                                                                       |
| Claim 6[g]                 | displaying a charging status of the electric vehicle via the GUI; and                                                                                                                                                                                                                                                          |
| Claim 6[h]                 | increasing, in accordance with the desired charge level, a level of charge of the battery of the electric vehicle;                                                                                                                                                                                                             |

|                             |                                                                                                                                                                                           |
|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Claim 6[i]                  | wherein the desired charge level of the battery represents a specific amount of charge desired to reside in the battery after increasing the level of charge.                             |
| <b>Dependent Claim 7</b>    |                                                                                                                                                                                           |
| Claim 7[Pre]                | The electrical charging system of claim 6, wherein executing the instructions by the one or more processing devices further results in:                                                   |
| Claim 7[a]                  | determining, based at least on desired charge level, a charging schedule for the electric vehicle.                                                                                        |
| <b>Dependent Claim 8</b>    |                                                                                                                                                                                           |
| Claim 8                     | The electrical charging system of claim 7, wherein the increasing of the level of charge is performed in accordance with the charging schedule.                                           |
| <b>Dependent Claim 9</b>    |                                                                                                                                                                                           |
| Claim 9                     | The electrical charging system of claim 6, wherein the first portion is an output GUI element, the second portion is an output GUI element and the third portion is an input GUI element. |
| <b>Dependent Claim 10</b>   |                                                                                                                                                                                           |
| Claim 10[Pre]               | The electrical charging system of claim 6, wherein the increasing of the level of charge of the battery of the electric vehicle, comprises:                                               |
| Claim 10[a]                 | transmitting a control signal to a parking space charge device that starts a charging, in accordance with the charging schedule, of the electric vehicle.                                 |
| <b>Independent Claim 11</b> |                                                                                                                                                                                           |
| Claim 11[Pre]               | An electrical charging system, comprising:                                                                                                                                                |

|             |                                                                                                                                                                                                                                                                                                                                                                |
|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Claim 11[a] | one or more processing devices; and                                                                                                                                                                                                                                                                                                                            |
| Claim 11[b] | a non-transitory memory device in communication with the one or more processing devices, the non-transitory memory storing instructions that when executed by the one or more processing devices, result in:                                                                                                                                                   |
| Claim 11[c] | receiving information indicative of a desired charge level of a battery of an electric vehicle wherein the desired charge level is defined by a user of the electric vehicle via a Graphical User Interface (GUI) adapted to display a unitary vehicle charge indicator comprising a combination of input and output GUI elements the GUI elements comprising: |
| Claim 11[d] | (i) a first portion indicative of an amount of charge residing in a battery of the electric vehicle;                                                                                                                                                                                                                                                           |
| Claim 11[e] | (ii) a second portion indicative of an uncharged capacity of the battery of the electric vehicle; and                                                                                                                                                                                                                                                          |
| Claim 11[f] | (iii) a third portion comprising a slider by which an amount of charge may be specified;                                                                                                                                                                                                                                                                       |
| Claim 11[g] | displaying a charging status of the electric vehicle via the GUI; and                                                                                                                                                                                                                                                                                          |
| Claim 11[h] | increasing, in accordance with the desired charge level, a level of charge of the battery of the electric vehicle;                                                                                                                                                                                                                                             |
| Claim 11[i] | wherein the desired charge level of the battery represents a specific amount of charge desired to reside in the battery after increasing the level of charge.                                                                                                                                                                                                  |

| <b>Dependent Claim 12</b> |                                                                                                                                                                                                                                                                   |
|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Claim 12[Pre]             | The electrical charging system of claim 11, wherein executing the instructions by the one or more processing devices further results in:                                                                                                                          |
| Claim 12[a]               | determining, based at least on the desired charge level, a charging schedule for the electric vehicle.                                                                                                                                                            |
| <b>Dependent Claim 13</b> |                                                                                                                                                                                                                                                                   |
| Claim 13                  | The electrical charging system of claim 12, wherein the increasing of the level of charge is performed in accordance with the charging schedule.                                                                                                                  |
| <b>Dependent Claim 14</b> |                                                                                                                                                                                                                                                                   |
| Claim 14                  | The electrical charging system of claim 11, wherein the first portion operates to output the amount of charge residing in the battery, the second portion operates to output the uncharged capacity of the battery and the third portion is an input GUI element. |
| <b>Dependent Claim 15</b> |                                                                                                                                                                                                                                                                   |
| Claim 15[Pre]             | The electrical charging system of claim 11, wherein the increasing of the level of charge of the battery of the electric vehicle, comprises:                                                                                                                      |
| Claim 15[a]               | transmitting a control signal to a parking space charge device that starts a charging, in accordance with the charging schedule, of the electric vehicle.                                                                                                         |
| <b>Dependent Claim 16</b> |                                                                                                                                                                                                                                                                   |
| Claim 16                  | The electrical charging system of claim 11, wherein the GUI is forms a part of a mobile display device.                                                                                                                                                           |

| <b>Dependent Claim 17</b> |                                                                                                |
|---------------------------|------------------------------------------------------------------------------------------------|
| Claim 17                  | The electrical charging system of claim 16, wherein the mobile display device is a smartphone. |

## I. INTRODUCTION

Charge Fusion Technologies, LLC, the owner of U.S. Patent No. 11,990,788 (“’788 Patent”), submits this Patent Owner’s Response (“Response”) to the Board’s institution decision based on Tesla, Inc.’s (“Tesla” or “Petitioner”) petition for *inter partes* review (“Petition”) of claims 1–17 the ’788 Patent (“Challenged Claims”).

## II. SUMMARY OF THE ARGUMENT

The Board should determine that all Challenged Claims are not unpatentable. Petitioner failed to establish unpatentability of any Challenged Claim based on the combination of four references raised in its three grounds.

Contrary to the Institution Decision, the Challenged Claims make clear that an “amount of charge” as claimed refers to a charge percentage level of the battery rather than a user’s ability to choose a needed travel range. While Patent Owner is cognizant that the ’788 Patent discusses charge range level, nothing in these embodiments amounts to rewrite “amount of charge” to be broadened to selecting a distance and in all claimed embodiments the slider operates to specify an amount of charge.

The Petition fails to address the requirement of an at least three component *unitary* vehicle charge indicator. The Petition instead alleges separate components displayed on a GUI (e.g., a slider separate from a battery charge graph) without

establishing that those separate components are integrated into a “unitary vehicle charge indicator”.

Further, Petitioner fails to articulate a sufficient motivation to combine the cited references, instead following a roadmap provided solely by the ’788 patent and Challenged Claims. The proposed combinations involves disparate systems that were designed to operate independently and under differing assumptions regarding user preferences, vehicle states, and charging objectives. There is no articulated rationale, beyond hindsight reconstruction, for why a skilled artisan would have been motivated to integrate these references. Nothing on record, except for the ’788 Patent, teaches, suggest, or motivates combining the claimed slider that allows for specification of an amount of charge onto a first and second portion that output amount of charge residing in a battery of the electric vehicle and an uncharged capacity as required by the claimed “unitary vehicle charge indicator.”

### **III. RELATED PROCEEDINGS**

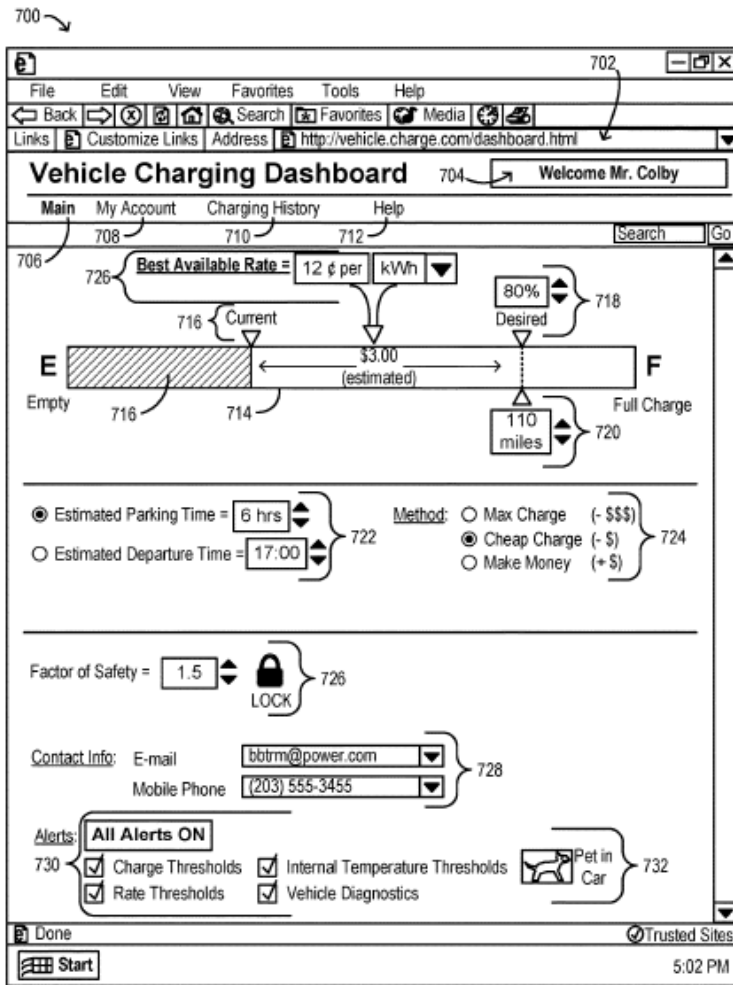
The ’788 Patent is involved in *Charge Fusion Technologies, LLC v. Tesla, Inc.*, 1:22- cv-00488 (W.D. Tex.) (“Texas Litigation”).

### **IV. THE ’788 PATENT PRESENTS A NOVEL SYSTEM AND METHOD FOR ELECTRIC VEHICLE CHARGING AND POWER MANAGEMENT**

The ’788 Patent, entitled “Systems and Methods for Electric Vehicle Charging and Power Management,” was filed on June 23, 2023, issued on May 21, 2024, and

claims priority to Provisional Application No. 61/134,646, which was filed on July 11, 2008. EX1001, 2. According to the '788 Patent, improvements in battery technology provided the potential for “economically viable” electric-powered modes of transportation. *Id.*, 1:45-58. However, electric vehicles needed to be plugged in regularly to replenish their electrical charge, which “likely require[d] more time than is typically required to fill up an automobile with a petroleum based product.” *Id.*, 1:50-55. Because of this, “the owner of an electrical automobile must oftentimes adhere to a schedule of charging that renders the automobile unusable for protracted stretches of time,” and there was “a resistance to performing the act of plugging in an automobile and subsequently unplugging the vehicle in order to maintain a charged vehicle.” *Id.*, 1:55-58. The applicants thus recognized that it would be advantageous to intelligently charge vehicles by creating a charging schedule. *Id.*, 2:22-33. Moreover, the applicants recognized the desire for a user to select the desired charge percent level via a slider on a graphical user interface. *Id.*, 14:62-67; Fig. 7.

Figure 7 is a block diagram which illustrates a graphical user interface slider allowing a user to select the desired charge (720).



EX1001, Fig 7; 14:66-15:19. According to the ‘788 Patent, a user may view and/or change the desired charge range level and thus determine a desired distance to travel and accordingly set the desired charge range to match the desired distance. *Id.*

## V. PETITIONER’S PROPOSED OBVIOUSNESS CHALLENGES

| Ground | Challenged Claims   | 35 U.S.C. <sup>1</sup> | Reference(s)/Basis                                                                |
|--------|---------------------|------------------------|-----------------------------------------------------------------------------------|
| 1      | 1-4, 6-9, and 11-14 | § 103                  | Sutardja <sup>2</sup> in view of Donnelly, <sup>3</sup> and Letendre <sup>4</sup> |
| 2      | 5, 10, and 15       | § 103                  | Sutardja in view of Donnelly, Letendre and Seelig                                 |
| 3      | 16-17               | § 103                  | Sutardja in view of Donnelly, Letendre and Knockeart                              |

## VI. OVERVIEW OF THE RELEVANT ALLEGED PRIOR ART

### A. Donnelly (EX1006)

Donnelly is directed to railroad, or train locomotives and the use of energy storage batteries and a method for monitoring, controlling and optimizing electrically powered locomotives. EX1006, 1:24-35; 2:1-6. Specifically, Donnelly teaches a controller unit and system of sensors to monitor, synchronize and optimize the operation of the locomotive drive train as well as the individual axles during acceleration and braking. *Id.* at 3:42-50.

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<sup>1</sup> The pre-AIA version of 35 U.S.C. § 103 applies.

<sup>2</sup> U.S. Patent Pub. No. 2008/0136371 (EX1011).

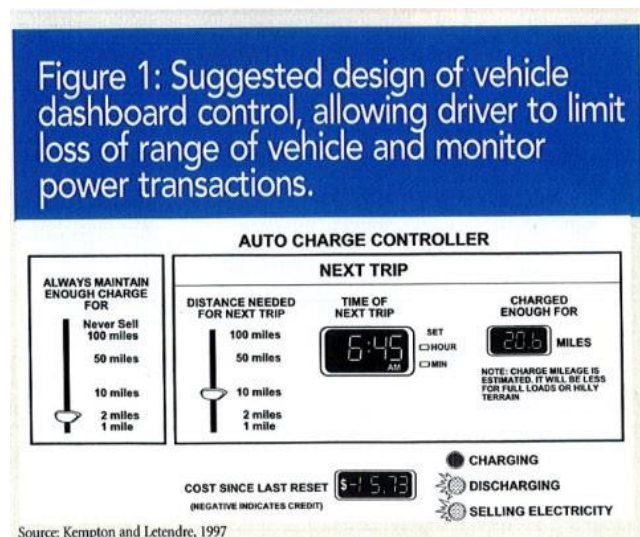
<sup>3</sup> U.S. Patent No. 7,124,691 (EX1006).

<sup>4</sup> *The V2G Concept, A New Model for Power* (EX1007).

Donnelly is not directed at electric cars. Although it does appear to disclose a touch screen (*Id.* at 21:47-58), the screen is not directed at a GUI slider mechanism as presented in the challenged claims, nor relates to any ability for a user to select an amount of charge for the railroad locomotive disclosed.

## B. Letendre (EX1007)

Letendre is directed towards electric vehicles and the concept of vehicle to grid power or “V2G.” EX1007, 7. Petitioner cites Letendre for its GUI element, reproduced below:



EX1007, 8. However, nothing within Letendre discloses a GUI slider that allows a user to select an amount of charge that is percentage of charge of the battery. Kempton, describing the same controller as Letendre, clarifies that only allowing the distance needed for the next trip is “intended to minimize driver concern by using controls that accommodate user needs.” EX1073, 162. Further, Letendre does not

disclose a GUI slider, but instead appears to disclose a physical slider. Nothing within Letendre teaches, suggests or discloses a GUI slider directed to selecting the amount of charge related to the capacity of the battery within the electric vehicle nor is the scale of distance needed for next trip the same as a scale of Donnelly's battery charge graph.

### **C. Knockart (EX1010)**

Knockart is directed to "a driver information system [that] provides route planning and guidance ("navigation") services to the operators of multiple vehicles 100." EX1010, 4:19-21. Knockart's "[i]n-vehicle system 105 is configured to use a removable personal device 160 to provide certain functionality of the in-vehicle System". *Id.*, 4:32-34.

The Petition alleges that Knockart's phone "provide[s] a vehicle's GUI." *Pet.*, 8. However, this overextends the actual disclosure of Knockart. Knockart is focused on using the removable portable device 160 to expand the capabilities of the guidance services of the in-vehicle driver information system, not a full vehicle GUI. EX2008, ¶53.

### **D. Seelig (EX1078)**

Seelig is directed to an "arrangement for contactless energy transmission during charging of a vehicle battery." EX1078, 1:6-8. Seelig requires its charging device to be activated: "After the charging device has been activated, for example

by the deposit of a coin.” EX1078, 4:55-57. After this manual activation, a charging element 1 and a transmission element 2 are brought into position to initiate charging. *See* EX1078, 4:55-6:3. Once in position, a “coupling achieved, KER” signal is emitted which causes a circuit to generate a charge initiation signal LAG and LA which cause charging to begin. *See* EX1078, 6:3-32. Thus, charging in Seelig is still manual and requires a user to deposit a coin to begin. EX2008, ¶54.

#### **E. Sutardja (EX1011)**

Sutardja is directed to “systems and methods for charging batteries in vehicles.” EX1011, [0002]. Sutardja charges based on “charging parameters”. *Id.* [0235]. Sutardja utilized a charge management system, or CMS, having a vehicle that is charged at a location such as home or work. *Id.* [0239], Figure 3A.

### **VII. LEVEL OF ORDINARY SKILL IN THE ART**

Petitioner defines a person of ordinary skill in the art (“POSITA”) as an individual that “would have had 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. Additional industry experience or technical training may offset less formal education, while advanced degrees or additional formal education may offset lesser levels of industry experience” *Pet.*, 2-3 (internal citations omitted). Because it

does not affect the ultimate analysis, Patent Owner takes no position with respect to Petitioner’s proposed level of ordinary skill in the art.

## **VIII. CLAIM CONSTRUCTION**

In an *inter partes* review filed on or after November 13, 2018, claim terms are construed based on their ordinary and customary meaning. 37 C.F.R. § 42.100(b). For purposes of this Paper, for all claim terms, Patent Owner requests that the Board adopt the ordinary and customary meaning of the claim terms as understood by a POSITA.

### **A. Construction of “amount of charge”**

With respect to the term “amount of charge” as recited in the Challenged Claims, Patent Owner understands that the Board stated that the amount of charge with respect to the slider can include “desired mileage”. *Institution Decision*, 16. Patent Owner respectfully disagrees and for the below reasons submits that an “amount of charge” cannot encompass the selection of a desired mileage.

#### **1. The specification differentiates selection of desired range from “amount of charge”.**

The relevant portion of the ’788 Patent’s specification discusses “charge amount” differently from “desired charge level in terms of distance capable of being traveled.” It is well-settled that “[t]here is an inference ... that two different terms used in a patent have different meanings.” *Ethicon Endo–Surgery, Inc. v. U.S.*

*Surgical Corp.*, 93 F.3d 1572, 1579 (Fed.Cir.1996). The '788 patent makes clear **charge amount** (i.e., the claimed “amount of charge”) is *different* from **charge level** (which broadly includes distance of travel and percentage of charge):

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.

EX1001, 15:9-15; emphasis added; EX2008, ¶29. That “charge amount” is used in the same sentence as “desired charge level” indicates that “desired charged level” is not the same as “charge amount” (i.e., *amount of charge*). See EX2008, ¶30. The Decision’s allegation that the '788 “passage demonstrates that the GUI described in the '788 patent allows a user to specify an amount of charge in miles of range as well as in percentage terms” is incorrect. *Institution Decision*, 17.

Fig. 7 supports only the construction that “amount of charge” must be a percentage of charge of the battery. Fig. 7 shows not only “desired charge level 720” but also “desired charge percent level 718.” EX1001, 15:2-19. Thus, “charge \_\_\_\_ level” in the '788 patent references either “charge percentage level 718” or “charge range level 720”. EX2008, ¶31. However, the claims do not recite “level” but instead recite “amount of charge.” The relevant disclosure distinguishes charge

amount from charge level where “*charge amount* ... can be determined, for example, and utilized to express *the desired charge level in terms of distance capable of being traveled.*” EX1001, 15:10-15; EX2008, ¶31.

**2. The claims use the term “amount of charge” in context that cannot include selection of desired range.**

The ‘788 Patent includes the term “amount of charge” multiple times in the Challenged Claims. It is understood that “[a] word or phrase used consistently throughout a claim should be interpreted consistently.” *Phonometrics, Inc. v. N. Telecom Inc.*, 133 F.3d 1459, 1465 (Fed. Cir. 1998). Should ambiguity remain, claims must be construed to protect their validity. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1327 (Fed. Cir. 2005) (en banc). Further, claim terms must be construed “as a whole” and not “read in a vacuum.” See e.g., *Power Mosfet Techs., L.L.C. v. Siemens AG*, 378 F.3d 1396, 1408 (Fed. Cir. 2004); *In re Marosi*, 710 F.2d 799, 802, 218 USPQ 289, 292 (Fed. Cir. 1983). As used in the claims, constructing the term “amount of charge” to be a range of miles is wholly inconsistent with other elements which make it clear that “amount of charge” should be percentage of battery. EX2008, ¶32-33. The limitation “amount of charge” in both limitations 1[d] and 1[f] should be construed in similar manner, and according to its plain ordinary meaning such as a quantity (including in percentage) of electrical charge residing in the battery that is

measurable by the electric vehicle – not as a user selected travel distance or range of miles.

The limitation “amount of charged” is used in claim 1[d]: “a first portion indicative of an *amount of charge* residing in a battery of the electric vehicle”; and also used in claim 1[f]: “a slider by which an *amount of charge* may be specified.”

FIG. 7 of the '788 Patent, a portion of which is reproduced below, shows these limitations, where 716 represents a shaded portion as percentage graph of the total capacity “F Full Charge” of the battery. See EX1001, 14:66-15:1; EX2008, ¶33. While the line below “current” shows a specific level, the fact that there is a shaded to unshaded component of the graph in indicator 714 establishes the “amount of charge” as a percentage of a “full charge” (or at least a visual representation thereof). EX2008, ¶33.

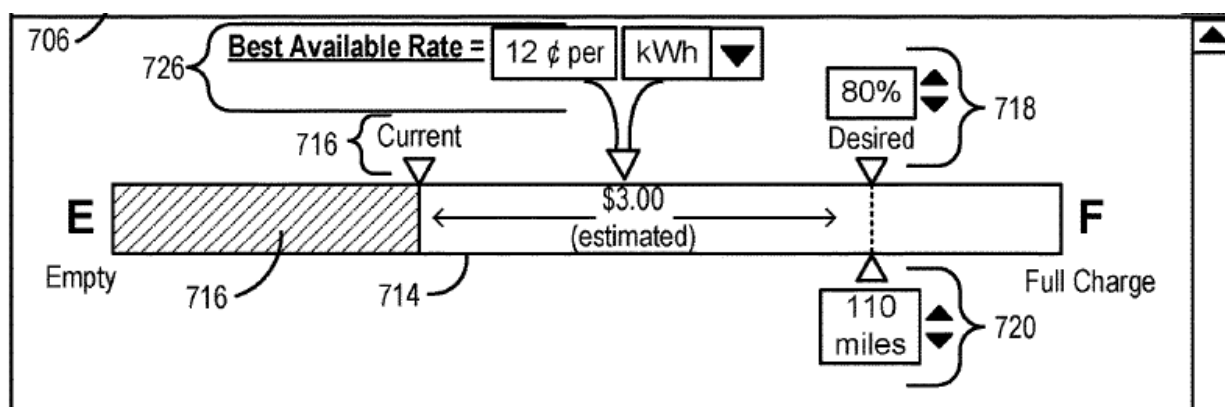


FIG. 7

While FIG. 7 also shows “desired charge range level 720”, this value is only “an estimate of how far the vehicle can travel on a given charge amount.” EX1001,

15:9-10. The described and shown “desired charge range level 720” embodiment is not consistent with the embodiments expressly recited in the Challenged Claims which require “amount of charge”. EX2008, ¶34.

There is nothing in the specification that allows a user to specify an amount of charge based solely on an estimated travel distance. Further, there is nothing in the patent that allows the reverse inference – that travel distance only may be input to define an “amount of charge.” This is unsurprising, as a POSITA would not recognize the selection of a specific amount of charge to include travel distance. EX2008, ¶35. A POSITA would understand that there would be additional input logic to make such a calculation based on driving conditions such as incline and outdoor climate as well as accessory usage such as air conditioning or other battery depleting factors. *Id.*

### **3. Petitioner’s own Expert’s testimony supports Patent Owner’s construction**

Petitioner’s Expert, in his October 1 deposition, acknowledged that the discussion in his August 21 deposition regarding “amount of charge” applies equally to this IPR. See EX2011, 15:8-16:2. Petitioner’s Expert supports Patent Owner’s position where Petitioner’s Expert testified that “amount of charge” is equivalent to “state of charge” in related IPR2025-00032. EX2009, 59:8-10. In Petitioner’s exhibits, “state of charge” is defined as “An expression of the present battery

capacity as a percentage of maximum capacity.” EX1066, 1; *see* EX2008, ¶37. As discussed in further detail below, Letendre does not provide a mechanism to express or display battery capacity as a percentage or fraction of maximum capacity – as admitted by Mr. Andrews in related IPR2025-00032. EX2009, 74:14-75:19.

Mr. Andrews has further testified that “battery charge level may be expressed in terms of an amount of stored charge (for example, as measured in milliAmp-hours) or in terms of a fraction of total capacity (for example as measured in a percentage).” EX2010<sup>5</sup>, 48.

Thus, even Petitioner’s Expert’s testimony contradicts Petitioner’s expanded construction and analysis of “amount of charge.” For at least the above reasons, Patent Owner respectfully requests the Board construe “amount of charge” according to its plain ordinary meaning such as a quantity (including in percentage) of electrical charge residing in the battery that is measurable by the electric vehicle – not as a user selected travel distance or range of miles. EX2008, ¶38.

## **B. “unitary vehicle charge indicator” (Claims 1, 6, 11)**

Petitioner’s apparent construction admits importing limitations from the specification, such as the “bar graph” from the ‘788 Patent’s Figure 7, yet provides no argument as to why the “unitary vehicle charge indicator” would be limited to a

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<sup>5</sup> Declaration of Scott Andrews in IPR2020-01189. Apple Inc. v LBT IP I LLC, IPR2020-01189, EX1003, 7/22/2020

bar graph representation. EX2008, ¶39. The ‘788 Patent explicitly states, “other configurations of systems and devices may also or alternatively be utilized to perform the methods described herein without deviating from the scope of some embodiments.” EX1001, 16:32-35. Further, the ‘788 Patent recites that different types, layouts, quantities, and configurations of systems described herein may be utilized without deviating from the scope of some embodiments.” EX1001, 6:36-39. A POSITA would recognize that the unitary vehicle charge indicator is not limited to a bar graph representation. EX2008, ¶39.

Moreover, Petitioner provides no arguments or reasoning as to why it chooses to import this limitation, yet for prior IPRs that involved a vehicle charge indicator, Petitioner took the position that no construction beyond plain and ordinary meaning was warranted. *See* IPR2022-01217, Paper 2 at 10; IPR2023-00063, Paper 3 at 10. The Petitioner even cited the same figure which it appears to try to import into the claims now. *See* IPR2023-00063, Paper 3 at 3-5.

Mr. Andrews, in his Deposition dated October 21, 2025, for IPR2025-00152 and IPR2025-00153 (EX2010) acknowledged that the claimed unitary vehicle charge indicate “does not have to be a bar graph.” EX2011, 8:25-9:69; (pin cite 9:5-6).

Petitioner provides no reasoning or argument as to why the Board should construe “unitary vehicle charge indicator” to be required to be limited to a bar graph

aside from the fact that an illustrative bar graph is included within FIG. 7. Pet., 4-5; EX2008, ¶40. Such a construction would wrongly import embodiments from the specification, and Petitioner’s proposed construction should be rejected. *Superguide Corp. v. DirecTV Enterprises, Inc.*, 358 F.3d 870, 875 (Fed. Cir. 2004).

1. **“(i) a first portion indicative of an amount of charge residing in a battery of the electric vehicle; (ii) a second portion indicative of an uncharged capacity of the battery of the electric vehicle” (Claims 1, 6, 11)**

Each of the Challenged claims require (1) a unitary vehicle charge indicator comprising a combination of input and output GUI elements the GUI elements comprising: (i) a first portion indicative of an amount of charge residing in a battery of the electric vehicle; (ii) a second portion indicative of an uncharged capacity of the battery of the electric vehicle; and (iii) a third portion comprising a slider by which an amount of charge may be specified.” Contrary to Petitioner’s allegations, the alleged printed matter (amount of current charge and amount of current capacity to charge) does not merely inform people of the claimed invention but interacts with the user’s ability to select an amount of charge via the slider mechanism. A POSITA would recognize that the unitary vehicle charge indicator includes three portions that interact with each other, and that each portion of the indicator provides functionality. EX2008, ¶41.

The Petition requests that the first and second portion of the unitary vehicle charge indicator (which Petitioner has also imposed improper limitations to) be essentially written out of the claim and provided no patentable weight. Pet., 5–7. The printed matter doctrine “prohibits patenting ... printed matter unless it is ‘functionally related’ to its ‘substrate,’ which encompasses the structural elements of the claimed invention.” *C R Bard Inc. v. AngioDynamics, Inc.*, 979 F.3d 1372, 1381 (Fed. Cir. 2020). “In evaluating the existence of a functional relationship, [the Federal Circuit has] considered whether the printed matter merely informs people of the claimed information, or whether it instead interacts with the other elements of the claim to create a new functionality in a claimed device or to cause a specific action in a claimed process.” *Id.* On the latter question, “[o]nly if the answer is ‘no’ is the printed matter owed no patentable weight.”

In *In re Gulack*, 703 F.2d 1381 (Fed. Cir. 1983), the Federal Circuit held that, while a sequence of digits printed on a wrist band constituted printed matter, the sequence deserved patentable weight because the content of the sequence was functionally related to the endless-band physical structure of the substrate. The Court stated that the “digits are related to the band in two ways: (1) the band supports the digits; and (2) there is an endless sequence of digits—each digit residing in a unique position with respect to every other digit in an endless loop. Thus, the digits exploit the endless nature of the band.” 703 F.2d at 1386-87.

Just as in *Gulack*, the first and second portions of the charge indicator, which represent the current amount the electric vehicle is charged and the amount of uncharged capacity in the vehicle, impact the functionality of the slider. For example, if the battery is currently charged at 40% as displayed by the first portion of the unitary vehicle indicator and the uncharged capacity is the remaining 60% represented by the second portion of the unitary vehicle indicator, then a user then a user is guided by the first and second portions in selecting a desired charge level. EX2008, ¶42.

As claimed, it is clear the first and second portion do not merely inform people of information but instead define the scope of the charge indicator and the amount of charge that may be logically selected by the user via the slider, as the user will not select an amount of charge that is less than the current state of charge. Further, the first and second portion operate as dynamic outputs of information that constantly change based upon the amount of charge within the battery of the electric vehicle, while the third portion interacts to allow the input of dynamic data that allows a user to select a desired amount of charge. EX2008, ¶42.

Previously, Petitioner has taken the opposite position, stating that a battery charge indicator provides “additional functionality.” *See* IPR2023-00063, Paper 3 at 30 (“In summary, it combines prior art elements (Eberhard’s slider and the Roadster Manual’s battery charge indicator) to yield predictable results by providing the

system with the *additional functionality of displaying the charge capacity of the battery* alongside the slider...” (emphasis added). Petitioner provides no reasoning as to why displaying the charge capacity of the battery in one petition adds functionality, yet nearly the same limitations now should be afforded no patentable weight.

Moreover, in the current Petition, the Petitioner all but admits functionality in its motivation to combine, stating: “A POSITA would have recognized providing combined, “unitary” GUI elements would have desirably improved display space utilization, concisely *provided a user with all relevant battery information at a single glance, and improved the user’s ability to discern the difference between the battery’s current amount of charge and the user-entered desired amount of charge.*” Pet., 52. The first and second portions, by Tesla’s admission, *interact with* the slider as the claimed third portion of the indicator element. Under Petitioner’s assertions, no display feature would be afforded printable weight, which runs in contrast to established precedent in *Gulack* and *C R Bard Inc.*

**C. “determining...a charging schedule for the electric vehicle”  
(Claims 2, 7, 12)**

Petitioner submits that the “determining... a charging schedule for the electric vehicle” should not be construed under §112(6). Patent Owner agrees that nothing in the claim invokes section 112(6) and that “determining...a charging schedule for the electric vehicle” has an understood meaning and is generally viewed by one

skilled in the art to connote a particular structure. To the extent the Board determines that the claim falls under §112(6) (given that Petitioner provided an alternative construction), Patent Owner submits that Petitioner failed to identify any structure or function within the asserted prior art, which would confirm Petitioner failed to meet its burden for claims 2, 7 and 12.

## **IX. LEGAL STANDARD**

Petitioner must prove unpatentability by a preponderance of the evidence. 35 U.S.C. § 316(e). A patent claim is unpatentable for obviousness if the differences between the claimed subject matter and the prior art are such that the subject matter, as a whole, would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007) In *Graham v. John Deere Co.*, 383 U.S. 1 (1966), the Supreme Court set out a framework for assessing obviousness that requires consideration of four factors: (1) the “level of ordinary skill in the pertinent art,” (2) the “scope and content of the prior art,” (3) the “differences between the prior art and the claims at issue,” and (4) “secondary considerations” of nonobviousness such as “commercial success, long felt but unsolved needs, failure of others, etc.” 383 U.S. at 17–18; *KSR*, 550 U.S. at 407.

## **X. GROUND 1: PETITIONER FAILED TO ESTABLISH THAT SUTARDJA, DONNELLY, AND LETENDRE RENDERS OBVIOUS CLAIMS 1-4, 6-9, AND 11-14**

Petitioner has failed to show that Sutardja, Donnelly, and Letendre renders obvious independent Claims 1, 6, and 11 (and dependent claims 2-4, 7-9, and 12-14) and has not articulated any meaningful motivation to combine or a reasonable expectation of success. For the reasons stated below, Ground 1 fails, and the claims should be upheld.

- A. Claim 1 - Petitioner’s “modified” Sutardja in combination with Donnelly and Letendre does not render obvious Claims 1[c]-1[f] which requires “adapted to display a unitary vehicle charge indicator comprising a combination of input and output GUI elements the GUI elements comprising: (i) a first portion indicative of an amount of charge residing in a battery of the electric vehicle; (ii) a second portion indicative of an uncharged capacity of the battery of the electric vehicle; and (iii) a third portion comprising a slider by which an amount of charge may be specified”.**

Each of the independent claims require a unitary vehicle charge indicator element comprising: (i) a first portion indicative of an amount of charge residing in a battery of the electric vehicle; (ii) a second portion indicative of an uncharged capacity of the battery of the electric vehicle; and (iii) a third portion comprising a slider by which an amount of charge may be specified.” For the purposes of this Patent Owner Response, the analysis provided herein applies to all Challenged Claims.

**1. Letendre’s slider does not allow an “amount of charge” to be specified as claimed in Claim 1[f].**

Regarding claim 1[f], which recites “a third portion comprising a slider by which an amount of charge may be specified”, the Petition alleges “[i]t would have been obvious to modify the Sutardja-Donnelly touchscreen displaying a GUI to include Donnelly’s bar graph modified to include Letendre’s slider for inputting the desired charge.” *Pet.*, 31; *see also* *Pet.*, 39-40; EX1003, ¶148-161, 170-178. Thus, regarding the claimed “slider by which an amount of charge may be specified”, Petitioner relies only on Letendre’s slider. However, Letendre’s slider does not allow an “amount of charge” to be specified as claimed. EX2008, ¶58.

As discussed in section VIII.A.1-3, the term “amount of charge” should be construed according to its plain ordinary meaning such as a quantity (including in percentage) of electrical charge residing in the battery that is measurable by the electric vehicle – ***not as a user selected travel distance or range of miles.***

The Vehicle Charging Dashboard of the ‘788 Patent discloses where a user can, *using a graphical user interface element*, select the desired amount of charge for a single charge amount:

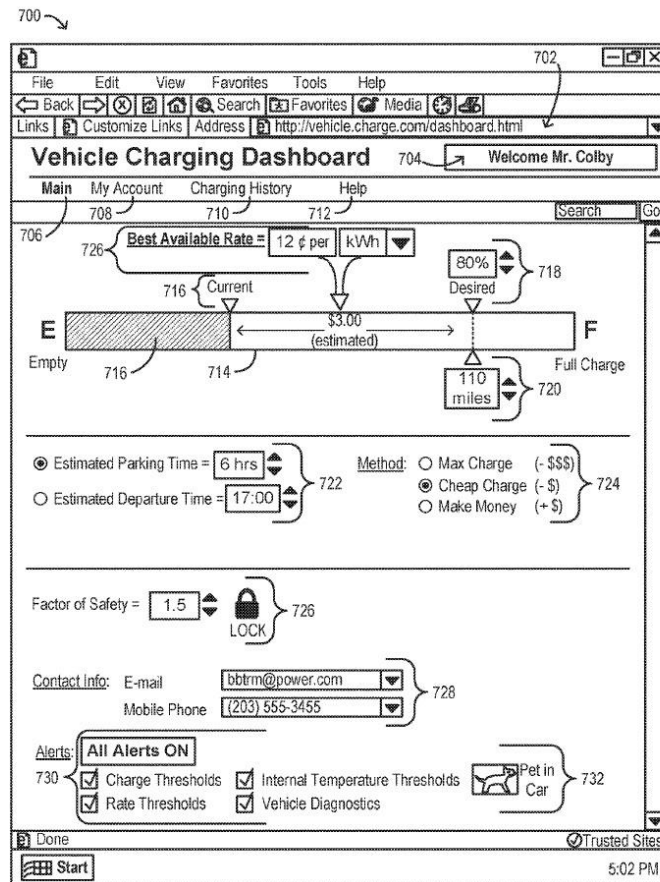


FIG. 7

EX1001, Figure 7.

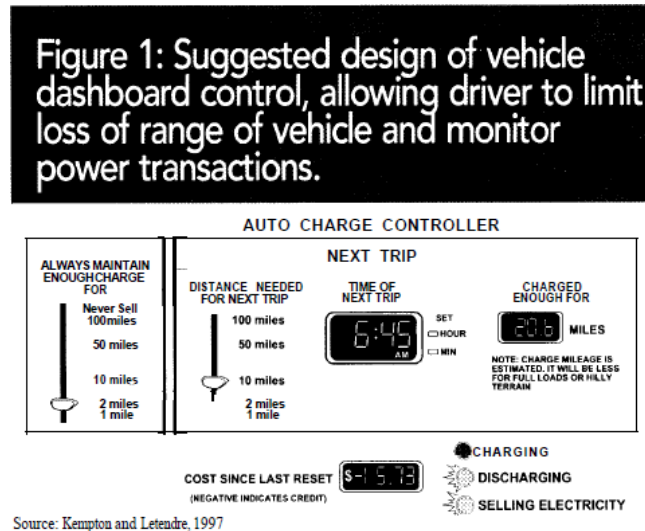
As explained above, the amount of charge as read by a POSITA would not include a user selecting a desired travel range. EX2008, ¶59. As the patent discloses, a user may select, via the vehicle charge indicator element, a “desired charge percent level 718.” EX1001, 14:66-15:7. The patent further teaches a “current charge range level 720” that is calculated using a “charge amount” (again, where “charge level in terms of distance capable of being travelled is used separately in the same sentence as “charge amount”). EX1001, 15:8-19; EX2008, ¶59.

With respect to the “slider”, Petitioner solely relies upon Letendre. *Pet.*, 38-39; EX1003, ¶164-169. Letendre’s disclosure is insufficient. *See* EX2008, ¶60. Petitioner’s expert testified, in related IPR2025-00032 discussing same language as the claim 1[f], 6[f], 11[f], that “ Letendre “does not provide enough information about the system to ... determine or to set a percentage of total charge or total range.” EX2009, 75:14-19; *see also*, 74:14-75:13.

When first describing the teachings of Letendre, Tesla states “Letendre teaches a user interface comprising a slider by which a user specifies parameters managing the charge of an electric vehicle’s battery.” *Pet.*, 13. It is precisely because the user does not know a desired amount of charge that the user is unable to specify it, but instead only a distance needed for next trip and minimum mileage to maintain. EX2008, ¶61. Any amount of charge is determined ***by the system*** in the background (and never displayed) in response to a desired travel distance condition specified by the user. *Id.*

Letendre receives a user-specified mileage condition and then ***estimates*** a corresponding charge amount that will likely meet the condition. EX2008, ¶62. Were the user to actually wish to specify a charge amount, the GUI interface of Letendre ***would actually prevent the user from doing so***. *Id.* For example, a user of *Letendre* would be unable to specify a 70% charge amount. As such, Letendre does

not teach specifying an amount of charge, but, rather, explicitly teaches parameters measured in units that cannot inform a user as to the *amount of charge*. *Id.*



Describing the above figure, Letendre clearly states:

An example control panel is shown in Figure 1. Whether the control is physical, on the dash, or on a Web page, the idea is basically the same. The driver has two parameters to set—the length of the expected next trip (in the case shown in Figure 1, 10 miles at 6:45 the next morning), and the minimum range that must always be maintained, e.g. for an emergency room trip, two miles.

EX1007, 19-20.

As Letendre makes clear, the two parameters to be set. i.e., “specified,” are length (measured in miles) and minimum range (again, measured in miles). EX2008, ¶63-64. Kempton, cited by Petitioner’s Expert (but not included in the Petition), is

acknowledged to “describe the same auto charge controller” as Letendre.” EX1003, 166. However, Kempton evidences that Letendre’s charge controller would never be modified to allow the user to select anything but distance in terms of miles:

The illustrative control panel in Fig. 1 is intended to minimize driver concern by using controls that accommodate user needs. ... Rather, the driver specifies what his or her travel needs are. The utility determines the timing of charging and discharging within those constraints. ***This is the key principle behind the controller design in our proposal.***

EX1073, 162-163; EX2008, ¶65. A user utilizing a slider such as that illustrated in Letendre that desires to be able to travel 50 miles can easily move the slider to the markings on the slider scale corresponding to “50 miles.” EX2008, ¶65. In such an instance, the user does not, and indeed cannot, know what percentage of the battery will be charged in order to meet the specified 50-mile requirement, as acknowledged by Petitioner’s own expert. EX2009, 74:14-75:3. The Petition suspiciously ignores Kempton, which was cited by the Petitioner’s Expert *but not in the Petition*, and the non-motivating statements thereof.

Letendre itself has no relation to a vehicle charge indicator that displays the charged and uncharged portion of the battery of an electric vehicle, but instead is just a mechanism for a user to select a desired travel distance and the vehicle does the rest - intentionally. EX1007, 11; EX1073, 163.

Letendre's figure (Fig. 1) used by Petitioner makes clear that "Charge mileage is estimated. It may well be less for full loads or hilly terrain." EX2008, ¶66; EX2009, 60:14-61:16. Because the distance one can travel on a given charge is highly variable based, for example, on loads, terrain characteristics, age of battery, battery cycles, temperature, etc., it is not possible to specifically equate an expected charge range with an amount of charge. *Id.* Petitioner's logic is flawed by stating that setting a "length", comprising "10 miles", is adequate to disclose specifying an *amount of charge*. EX2008, ¶66-67. And Petitioner offers no explanation as to how a POSITA would derive this information.

In short, Letendre teaches the diametric opposite of specifying a charge amount. It is precisely because the user does not know how much charge he needs to meet his requirements that he cannot specify the amount of charge and, as a result, Letendre uses a slider to specify the conditions to be met by an amount of charge he is incapable of specifying. EX2008, ¶67.

It is therefore inaccurate when Petitioner asserts:

Letendre teaches *a slider by which an amount of charge may be specified*, namely an "auto charge controller" "control panel" including a movable slider to "set [] the length of the expected next trip" (here, 10 miles).

Pet., 38; EX1003, ¶164; EX2008, ¶68. It is precisely because the user of Letendre's interface is fundamentally incapable of knowing what charge amount they need that

Letendre's interface exists and operates to allow the user to specify something other than a charge amount. *Id.* Tesla fails to explain how specifying the number of miles equates to specifying an amount of charge, or how to reconcile the two scales (battery vs. non-linear mileage). *Id.*

For at least this reason, all Challenged Claims should be upheld.

**2. Petitioner's Expert supports Patent Owner's position regarding Claim 1[f].**

Mr. Andrews' testimony is consistent with Patent Owner's position in section X.A.1, above. Mr. Andrews testified that "amount of charge" is equivalent to "state of charge." EX2009, 59:8-10. Mr. Andrews further testified "'state of charge" is defined as "An expression of the present battery capacity as a percentage of maximum capacity." EX1066, 1; EX1003, 153. Mr. Andrews testified that, in Letendre, "there is not enough information to determine how to set the charging level to 60 percent" of *maximum range level or maximum charge level*. EX2009, 75:14-19. Thus, the Petitioner's Expert's own testimony supports the conclusion that Letendre's slider cannot specify an "amount of charge." EX2008, ¶69.

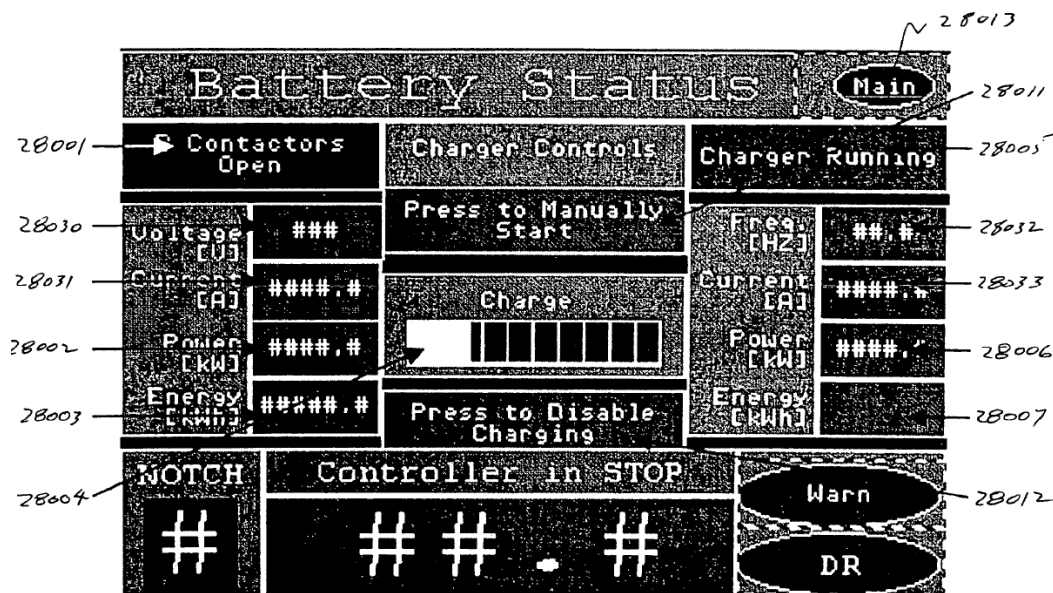
For at least this additional reason, all Challenged Claims should be upheld.

**3. The Petition does not describe how a POSITA would combine Sutardja, Donnelly, and Letendre in the manner claimed in Claims 1[c]-1[f].**

Obviousness requires a showing of how and why references would be combined. *See KSR*, 550 U.S. at 418, 127 S.Ct. 1727. Further, "obviousness

concerns whether a skilled artisan not only *could have made* but *would have been motivated to make* the combinations or modifications of prior art to arrive at the claimed invention”. *Belden Inc. v. Berk-Tek LLC*, 805 F.3d 1064, 1073 (Fed. Cir. 2015)

Tesla fails to explain how Letendre’s distance based slider would be combined with Donnelly’s locomotive figure as allegedly included in Sutardja’s user interface module 108. EX2008, ¶70. Petitioner relies on Donnelly’s picture of a battery to meet the limitations of the claimed first and second portions (Claims 1[d]-[e]) of the unitary vehicle charge indicator (Claims 1[c]-[f]).



See *Pet.*, 32-36. Donnelly describes “battery state of charge 28004” which Petitioner relies upon as “the state of charge of the energy storage unit by measuring the amp-hours in and the amp hours out.” EX1006, 23:31-34. As combined, Petitioner

proposes to take Letendre’s slider that selects distance from 1 mile to 100 miles for the next trip and put that slider “on the [Donnelly] bar graph to select an amount of charge.” Pet., 39. However, Petitioner fails to explain how the distance selection in the Letendre would be combined with the battery indications of Donnelly. EX2008, ¶70-71.

To the extent Petitioner asserts that the combination the “full charge” of Sutardja placed on top of the Donnelly battery bar graph image, again Petitioner fails to explain how this would allow a user to select a specific amount of charge or how this would result in a *unitary vehicle charge indicator*. The claim requires a slider where an amount of charge may be specified. A POSITA would understand that this allows a user to specify any amount of charge between 1% and 100%, not just to select a single choice “full charge”. EX2008, ¶72. Limiting the single option of “full charge” as described in Sutardja would defeat the purpose of implementing a slider. *Id.*

To the extent Petitioner asserts that the combination is just the slider of Letendre on top of Donnelly battery bar graph image when included in Sutardja’s user interface module 108 (*see* Pet., 40), again Petitioner fails to explain how this would be motivated. The Letendre slider uses a scale that does not match percentage scale of Donnelly. These two scales are incompatible because, for example, scale of Letendre shows “10 miles” as approximately 1/3 up the slider, and “50 miles” as

approximately 2/3 up the slider. EX2008, ¶73. However, there is no indication that 10 miles is 33.3% of the charge percentage of the battery and 50 miles is approximately 66.6% of the charge percentage of the battery, and in fact the POSITA would understand this is not the case. EX2008, ¶74. Therefore, the Petition does not provide definition of how one of skill in the art would reconcile these scale differences. EX2008, ¶75-76. Thus, the Petition's allegations to "include Letendre's "slider on the bar graph" is non-sensical because the scale differences does not match and thus would be nonintuitive to the user. *Id.*; *Pet.*, 39.

Accordingly, while the Petition alleges one of skill in the art could put Letendre's "slider on the bar graph", there is nothing in the Petition that addresses the scale differences and actually establishes how one of skill in the art would implement this combination. EX2008, ¶77. Thus, the Petition is lacking the requisite analysis to establish that the Challenged Claims are obvious.

**4. A POSITA would not combine Sutardja, Donnelly, and Letendre into a unitary vehicle charge indicator without hindsight gleaned solely from the '788 Patent.**

There is no motivation to combine Sutardja, Donnelly, and Letendre to arrive at a *unitary vehicle charge indicator* without hindsight from the '788 Patent. EX2008, ¶78. The obviousness analysis must not "include knowledge gleaned only from the applicant's disclosure." *In re McLaughlin*, 443 F.2d 1392, 1395, 170 USPQ 209, 212 (CCPA 1971). Obviousness cannot use the '788 patent as a roadmap to

put prior art together like pieces of a “jigsaw puzzle.” *InTouch Techs., Inc. v. VGO Commc'ns, Inc.*, 751 F.3d 1327, 1351 (Fed. Cir. 2014).

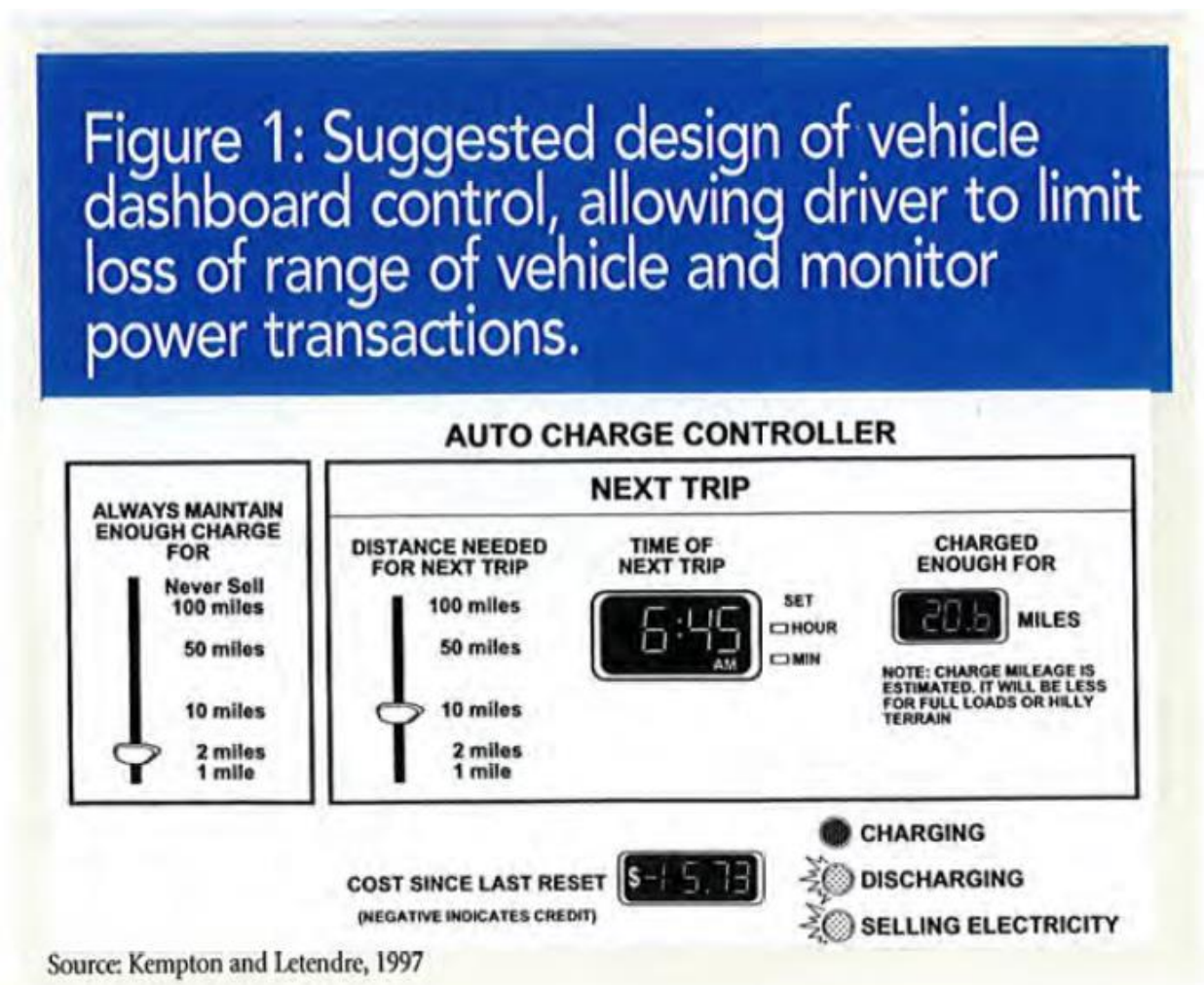
Hindsight is evidenced because the '788 Patent is the *only* document of record that shows a slider displayed *on* a bar graph (and thus *unitary*). EX2008, ¶79. Indeed, the Petitioner’s own claim construction requires “the claim term ‘unitary vehicle charge indicator’ at least includes a bar graph comprising the charged, uncharged, and slider portions, such as illustrated in FIG. 7.” Pet., 5.

Sutardja does not show its display and thus, as acknowledged in the Petition, doesn’t show the first portion, the second portion, or the third portion of claims 1[d]-[f], 6[d]-[f], and 11[d]-[f]. EX2008, ¶81.

Donnelly shows, at best, only a bar graph of a battery. *See* EX1006, 28. There is no slider in Donnelly. EX2008, ¶82. Moreover, Donnelly does discuss a “Control Tools Screen” that allows entry of “battery power set point 30003.” EX1006, FIG. 30, 24:19-26. Donnelly describes allowing for input set points that define battery pack maximum voltages. *See* EX1006, 8:41-51. This “Control Tools Screen” however, isn’t a slider, and is on an entirely different location than the Donnelly bar graph 28004. *See* EX1006, FIG. 28-30, 24:14-18. EX2008, ¶82.

Even if, *arguendo*, Letendre shows a slider (but not one that allows an amount of charge as discussed above), Letendre’s slider is isolated from any other display element and is not a component of a unitary vehicle charge indicator as claimed. In

fact, Letendre expressly shows a current charge indicator portion where FIG. 1 of Letendre shows that the vehicle is “CHARGED ENOUGH FOR 20.6 MILES.” EX1007, FIG. 1. EX2008, ¶83.



The POSITA would analogize the “CHARGED ENOUGH FOR” to the Donnelly battery bar graph image, and if combining the two (which Patent Owner does not concede would occur), would put Letendre’s slider in a different position on the Donnelly display similar to how the slider is in a different position in the Letendre display. EX2008, ¶84.

Thus, reading Sutardja, Donnelly, and Letendre, *even in combination*, the POSITA would not be motivated to put Letendre's slider on a bar graph as alleged in the Petition. Instead, at best, if the Donnelly and Letendre references were combined by the POSITA, the POSITA would put the Letendre slider simply on a display in a separate location from Donnelly, such as on the "Control Tools Screen" of Donnelly, or in a separate location of the display like the slider is shown in a separate location from the "CHARGED ENOUGH FOR" statement in Letendre. *See* EX1006, FIG. 28-30, 24:14-18; EX1007, FIG. 1; EX2008, ¶85. However, putting the slider in a separate location from a bar graph does not render obvious a *unitary vehicle charge indicator* as required by the Challenged Claims. *Id.*

The Institution Decision highlights that hindsight *gleaned solely from the present patent* was relied on in the Petition to establish the alleged motivation to combine. The Institution Decision alleges

Patent Owner ignores its own Specification, which allows a user to specify an amount of charge using either percentage or miles as if they are interchangeable for a user interested in setting that charging parameter. *See* Ex. 1001, Fig. 7 (showing 80% charge and "110 miles" as equivalent levels of charge).

*Institution Decision*, 19. This, however, shows the reliance on hindsight gleaned solely from the '788 Patent because there is no motivation to combine other than language from the '788 Specification. EX2008, ¶86. However, the '788 Patent

shows more than the combined teachings of Sutardja, Donnelly, and Letendre. EX2008, ¶87. Fig. 7 of the '788 Patent supports Patent Owner's position that scale of the slider is relevant to implementing a *unitary* vehicle charge indicator as required by the Challenged Claims. *Id.*

While it is clear that FIG. 7 does show charge level in miles (e.g., RN 720) and percentage (e.g., RN 718), *both are in the same scale* (e.g., a linear scale) where 80% in Fig. 7 of the '788 patent appears to be at the appropriate position (e.g., 4/5) on the bar graph. Fig. 7 of the '788 Patent shows *both* miles and percentage, and thus even if the user is moving the miles, they are also specifying "amount of charge" as percentage. EX2008, ¶88. To the contrary, Letendre's slider is not linear as explained above, and there would be no reason to include the Letendre slider "on the bar graph" as alleged in the Petition to meet the requirement of a *unitary* indicator without hindsight. *Pet.*, 39.

As a result, the POSITA is not motivated without hindsight gleaned from the '788 Patent to combine Sutardja, Donnelly and Letendre to teach the limitation of *a slider by which an amount of charge may be specified*. EX2008, ¶89. For at least this additional reason, all Challenged Claims should be upheld.

The claims should be upheld under Ground 1 for at least these reasons.

**B. Claims 2-4, 6-9, and 11-14 should be upheld**

Claims 2-4 depend from claim 1. Claim 6 includes elements 6[c]-6[f], which are similar to 1[c]-[f] discussed above (with claim 6[d]-[f] being verbatim to 1[d]-[f]). Claims 7 and 9 depend from claim 6, and claim 8 depends from claim 7. Claim 11 includes elements 11[c]-11[f], which are similar to 1[c]-[f] discussed above (with claim 11[d]-[f] being verbatim to 1[d]-[f]). Claims 12 and 14 depend from claim 11, and claim 13 depends from claim 12. Therefore, each of claims 2-4, 6-9, and 11-14 should be upheld for the same reasons as discussed above in X.A., which are repeated and incorporated by reference here. EX2008, ¶90.

**XI. GROUND 2: PETITIONER FAILED TO ESTABLISH THAT CLAIMS 5, 10, AND 15 ARE UNPATENTABLE AS OBVIOUS OVER FERRO IN VIEW OF SUTARDJA, DONNELLY, LETENDRE, AND SEELIG**

**A. Claims 5, 10, and 15 benefit from like argument from Ground 1.**

Claims 5, 10, and 15 depend on claims 1, 6, and 11, respectively. Section X.A above is incorporated by reference here in their entirety and accordingly claims 5, 10, and 15 should be upheld for the same reasons as discussed above with respect to Ground 1. EX2008, ¶91.

Accordingly, the claims should be upheld.

**B. The Petition mischaracterizes Seelig in the alleged motivation to combine.**

The alleged combination to include Seelig alleges to include a wireless charging system as taught by Seelig into Sutardja's charge management system (CMS). Pet., 60. In alleging this combination, Petitioner incorrectly alleges "a POSITA would have appreciated that because the wireless charging system only requires the user to park the vehicle in a parking space that includes a charging device, there would have been no need for the user to plug the vehicle into the power supply." *Id.*; EX1003, 230. Incorporating Seelig into Sutardja's system requires more than simply parking the vehicle in a parking space. Instead, the user would still have to manually activate the Seelig charging system (even if combined with Sutardja). Seelig requires manual activation: "After the charging device has been activated, for example by the deposit of a coin." EX1078, 4:55-57. Depositing a coin is analogous to plugging in a wired charging system. EX2008, ¶92.

Seelig's "charge initiation signal LA" doesn't start the charging process. Instead, Seelig makes clear that the charging device must be activated to start the process flow discussed in Seelig's FIG. 6: "After the charging device has been activated, for example by the deposit of a coin." EX1078, 4:55-57. This coin starts a coupling process between the "charging element 1" and "transmission element 2" where the elements are iteratively moved towards one another until a "'coupling achieved,' KER" signal is generated. See EX1078, 4:67-5:3. This KER signal then triggers the charge initiation signal, which starts charging for a predetermined time

□ TL. See Id. 6:3-26. Thus, the “charge initiation signal” referenced by the Petition is not controllable, but merely reactionary to adequate coupling of the “charging element 1” and “transmission element 2”. Nothing in the Petition discusses how Seelig would be required to be modified to be combined with Sutardja, instead inappropriately alleging the combination would require “the user to park the Sutardja vehicle in a parking space that includes a charging device, there would have been no need for the user to plug the vehicle into a power supply.” EX2008, ¶93.

Therefore, the alleged combination for Ground 2 is flawed as it is based on a fundamentally incorrect premise. Incorporating Seelig into Sutardja does not provide an advantage because the resulting combination would require manual intervention every time the charging was to be initiated (e.g., any time the charging schedule was operated, a coin would need to be inserted). EX2008, ¶94. Seelig’s LA signal is not a separate control signal that is on-demand, but instead is a reactionary signal that occurs in response to Seelig’s “coupling achieved, KER” signal. EX1078, 6:3-32. If Sutardja and Seelig were combined charging would not be done according to a schedule, but instead would be manual in response to depositing a coin which triggers coupling of the charging/transmission coils, which triggers initiation of the charging. EX2008, ¶94.

Accordingly, the Petition has not shown a reason or motivation to combine Sutardja (or Donnelly/Letendre) with Seelig. The Challenged Claims should be upheld in Ground 2 for at least this additional reason.

**XII. GROUND 3: PETITIONER FAILED TO ESTABLISH THAT CLAIMS 16-17 ARE UNPATENTABLE AS OBVIOUS OVER FERRO IN VIEW OF SUTARDJA, DONNELLY, LETENDRE, AND KNOCKEART**

Claim 16 depends on claim 11, and claim 17 depends on claim 16. Section X.A above is incorporated by reference here in their entirety and accordingly claims 16-17 should be upheld for the same reasons as discussed above with respect to Ground 1. EX2008, ¶95.

Accordingly, the claims should be upheld.

**XIII. GROUND 1, 2, AND 3: PETITIONER HAS NOT ARTICULATED ANY MEANINGFUL MOTIVATION TO COMBINE OR A REASONABLE EXPECTATION OF SUCCESS**

That Petitioner asserts several references for each Ground demonstrates that Petitioner is improperly relying on hindsight, further confirming that Petitioner has not met its burden. *See Grain Processing Corp. v. Am.-Maize Prods. Co.*, 840 F.2d 902, 907 (Fed. Cir. 1988). (“Care must be taken to avoid hindsight reconstruction by using ‘the patent in suit as a guide through the maze of prior art references, combining the right references in the right way so as to achieve the result of the claims in suit.’” (quoting *Orthopedic Equip. Co. v. United States*, 702 F.2d 1005,

1012 (Fed. Cir. 1983))). The Federal Circuit has established that “claims cannot be “treated ... as mere catalogs of separate parts, in disregard of the part-to-part relationships set forth in the claims and that give the claims their meaning” *Microsoft Corp. v. Biscotti, Inc.*, 878 F.3d 1052 (Fed. Cir. 2017)(citing *Lindemann Maschinenfabrik GMBH v. Am. Hoist & Derrick Co.*, 730 F.2d 1452, 1458, 1459 (Fed. Cir. 1984)). For reasons established above, each of Grounds 1, 2, and 3 are wrought with conclusory statements on motivation to combine without actual support, and rely on incorporating by reference whole portions of the Andrews Declaration. The alleged motivations to combine are simply using the claims as a roadmap without establishing how or why the POSITA would actually combine these references.

**A. Petitioner Has Not Shown that a POSITA Would Have Been Motivated to Combine Ferro with the other cited references**

To satisfy its burden of proving obviousness, a petitioner must articulate specific reasoning why a person of ordinary skill in the art would have combined or modified prior art references. *In re NuVasive, Inc.*, 842 F.3d 1376, 1382 (Fed. Cir. 2016); *In re Magnum Oil Tools Int’l, Ltd.*, 829 F.3d 1364, 1380 (Fed. Cir. 2016) Petitioner provides only general declarations that a POSITA would be motivated to combine the references.

Overall, Petitioner uses three references for Ground 1, four references for Ground 2 and four references for Ground 3. As admitted by Petitioner, Sutardja fails to disclose a number of limitations, such as any component of the unitary vehicle charge indicator, among other missing limitations. To address this, the Petition creates a fictional electric charging system, wherein Sutardja is modified in almost too many ways to count. For Ground 1, Petitioner proposes to:

- 1) Take the Sutardja system and add in a Graphical User Interface from a reference directed at trains solely due to the fact that the Donnelly displays a picture of a charge status in bar graph format (Pet. at 32-36).
- 2) Further modifying the new “Sutardja-Donnelly” system to include Letendre for the purpose of adding in a slider based on a single figure in a magazine article. Pet. at 37-42.
- 3) Modify the new “Ferro-Oyobe-Donnelly-Letendre” system with Zeigler as none of the previous four references teach or suggest selecting a mode of operation relating to maintaining the interior temperature of the electric vehicle while in a parked state. Pet. at 43-46.
- 4) Modify the new “Ferro-Oyobe-Donnelly-Letendre-Zeigler” system with Galvez-Ramos, as none of the previous five reference teach or suggest anything related to maintaining a temperature in a vehicle suitable for pets as required by the Challenged Claims.

The proposed combination (and sub combinations in Grounds 2 and 3) create an incoherent proposed electrical charging system or method where you have systems designed for locomotives attempting to communicate with electric vehicles with respect to combining Sutardja and Donnelly, combined with a magazine-described desired mileage input of Letendre. EX2008, ¶97-98.

It is well established that “a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art.” *KSR Int’l v. Teleflex Inc.*, 550 U.S. 398, 418 (2007). A claim cannot be found obvious where Petitioner does “not provide a plausible rational as to why the prior art references would have worked together to render the claims [] obvious.” *Power-One, Inc. v. Artesyn Techs., Inc.*, 599 F.3d 1343, 1352 (Fed. Cir. 2010). Moreover, “[i]t is impermissible within the framework of section 103 to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art.” *In re Wesslau*, 353 F.2d 238, 241 (CCPA 1965).

However, this is exactly what Petitioner, and its expert have done. Petitioner relies on hindsight using the ‘788 Patent as a blueprint. There is no other motivation to combine references that are not compatible scale (e.g., Letendre combined into Donnelly’s linear scale). See EX2008, ¶99.

Even if Petitioner's Grounds 1, 2 and 3 were not deficient for the reasons discussed above, they should still be denied because all three fail to establish that it was obvious to combine this number of references to allegedly meet the claims.

It is improper to combine these references "like separate pieces of a simple jigsaw puzzle" without "explain[ing] what reason or motivation one of ordinary skill in the art at the time of the invention would have had to place these pieces together." *InTouch Techs., Inc. v. VGo Comm'cns, Inc.*, 751 F.3d 1327, 1349 (Fed. Cir. 2014). The Petition does not sufficiently show why the POSITA would have been motivated (or able) to combine all these selected features of all these references as claimed. EX2008, ¶100.

The Federal Circuit has repeatedly indicated that appropriate obviousness combinations with four or more references, such as in Grounds 2 and 3, are out of the ordinary and require additional inquiry for obviousness rejections based on them to be upheld. For example, in *In re Anova Hearing Labs, Inc.*, 809 Fed. App'x. 840, 842 (Fed Cir. 2020), the Federal Circuit vacated and remanded a PTAB obviousness determination in inter partes reexamination combining "aspects of" devices described in five different references. The Court held, inter alia, it was "unclear why the Board found a skilled artisan would be motivated to combine the five separate references," and concluded that "[t]he Board failed to sufficiently articulate a reason why a person of ordinary skill in the art would be motivated to combine the [various

different] devices.” Id. at 843. At oral argument, now-Chief Judge Moore explained why this part of the Board’s obviousness analysis was “troubling”:

I feel like the Board’s opinion, for me, is troubling because it’s five references with wildly differently designed hearing aids. And, I don’t even understand really what it’s picking from some of the references that it says are missing in the primary reference. I don’t understand why it’s motivated to go to some of those references. And, I feel like there is a lot of hand-waving. And, what I’m worried about in a five-reference rejection is the hindsight bias concern of just picking and choosing elements from lots of different random prior art and saying they work together. Oral Argument<sup>6</sup>, 24:30 (Moore)

Here, the facts are even more concerning, where in the present Petition the references consist of a patent on an electric charging system, a reference on locomotives or trains, a magazine article (“Letendre”), and a reference directed to route planning and guidance systems (Knockeart) completely unrelated to battery management. EX2008, ¶99. Indeed, regarding Knockeart, cited in Ground 3, Petitioner throws in a reference that has no relation to electric vehicles, but is instead directed at using a cellphone in conjunction with a driver information system for a

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<sup>6</sup> Anova oral argument recording available at [http://www.cafc.uscourts.gov/oral-argumentrecordings?title=Anova+Hearing+Labs&field\\_case\\_number\\_value=&field\\_date\\_value2%5Bvalue%5D%5Bdate%5D=](http://www.cafc.uscourts.gov/oral-argumentrecordings?title=Anova+Hearing+Labs&field_case_number_value=&field_date_value2%5Bvalue%5D%5Bdate%5D=)

vehicle that has no bearing on being electric powered or electric charge systems.  
EX1010, 1:39-50.

Judge Moore has repeated this theme of lack of credibility in *DataTreasury*. Oral Argument<sup>7</sup>, *In re DataTreasury Corp.*, No. 2016-1250 (Fed. Cir.), 3:01-3:26 (“When you’ve got to pick elements from five different references and combine them, is that starting to strain the credibility of the obviousness determination”)(Moore, J.).

The Board has applied the same principle in IPR proceedings, explaining that “a motivation to combine A with B and A with C is not a motivation to combine A with B and C.” *Nichia Corp. v. Lighting Sci. Group Corp.*, IPR2019-01259, Paper 45, 42 (PTAB Jan. 8, 2021).

The Petition fails to explain why the POSITA would combine *all* the proposed references in each of the three Grounds to arrive at the claimed invention, not just the selected subsets of the references needed to follow the roadmap of the claims. However, Petitioner has focused solely on specific combinations and combines motivation to combine in relation only to the combination asserted against a particular element.

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<sup>7</sup> Data Treasury Oral Argument found at [http://www.cafc.uscourts.gov/oralargument-recordings?title=&field\\_case\\_number\\_value=2016-1250&field\\_date\\_value2%5Bvalue%5D%5Bdate%5D=](http://www.cafc.uscourts.gov/oralargument-recordings?title=&field_case_number_value=2016-1250&field_date_value2%5Bvalue%5D%5Bdate%5D=).

**B. Petitioner Has Not Shown a Reasonable Expectation of Success in Reconfiguring Sutardja with Donnelly, Letendre, Seelig and Knockeart**

As the Federal Circuit and the Board have repeatedly confirmed, to assert obviousness by combining prior art references, a petitioner must prove that (1) a motivation to combine the references exists; and (2) a POSITA would have had a REOS in combining the references. *See, e.g., Samsung Elecs. Co., Ltd. v. Elm 3DS Innovations, LLC*, 925 F.3d 1373, 1380–81 (Fed. Cir. 2019) (upholding Board’s finding of nonobviousness when Petitioner failed to present reasonable expectation of success). The requirement for proving reasonable expectation of success refers to achieving what is claimed in the patent-at-issue. *Intelligent Bio-Systems, Inc. v. Illumina Cambridge Ltd.*, 821 F.3d 1359, 1367 (Fed. Cir. 2016).

Designing an electric charging system that performs all the functions of the challenged claims is extremely challenging. Finding the right balance between a charging system and associated display systems that can integrate multiple sensors and thresholds requires careful experimentation and engineering. Here, Petitioner’s explanations are just conclusory statements. For example, for adding a touchscreen GUI via Donnelly and Letendre to Sutardja combination, Petitioner merely states there would be a REOS given the ubiquity of touchscreens in vehicles. Pet., 30. There is no other discussion of why there is a reasonable expectation of success. Such conclusory statements are legally insufficient, and similar testimony should be

given no weight. *In re Magnum Oil Tools Int'l, Ltd.*, 829 F.3d 1364, 1380 (Fed. Cir. 2016). See also EX2008, ¶102.

Moreover, Petitioner fails to actually present a reasonable expectation of success for each of the combinations as a whole, but instead takes specific additions in a vacuum. For example, in Ground 2, Petitioner looks at the REOS for combining Sutardja with Seelig, as opposed to taking into consideration the multitude of modifications and reconfigurations previously alleged with respect modifying Sutardja with Donnelly and Letendre. Petitioner's failure to provide a REOS analysis for all combined references fails. See EX2008, ¶101; Pet. 60-61.

#### **XIV. CONCLUSION**

For the reasons stated above, Patent Owner respectfully asks the Board to uphold patentability of all Challenged Claims.

Dated: October 6, 2025

Respectfully submitted,

/s/ Bradley D. Liddle

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**CERTIFICATE OF WORD COUNT UNDER 37 C.F.R. § 42.24(b)(1)**

I, the undersigned, do hereby certify that the foregoing Patent Owner Response, including footnotes, contains no more than 14,000 words, as measured by the Word Count function of Microsoft Word as specified by 37 C.F.R. § 42.24(b)(1).

/s/ Bradley D. Liddle

Bradley D. Liddle

### **CERTIFICATE OF SERVICE**

I hereby certify that on October 6, 2025, a true and correct copy of the foregoing PATENT OWNER'S RESPONSE was served by electronic mail upon the following counsel of record for Petitioners:

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