Tesla, Inc.

Petitioner,

v.

Charge Fusion Technologies, LLC

Patent Owner,

Consolidated Hearing

IPR2025-00032, IPR2025-00152, IPR2025-00153

U.S. Patent Nos. 11,563,338, 11,990,788 and 11,631,987

U.S. Patents 11,563,338, 11,990,788 and 11,631,987

(57) **ABSTRACT**

Systems and methods for charging electric vehicles and for quantitative and qualitative load balancing of electrical demand are provided.

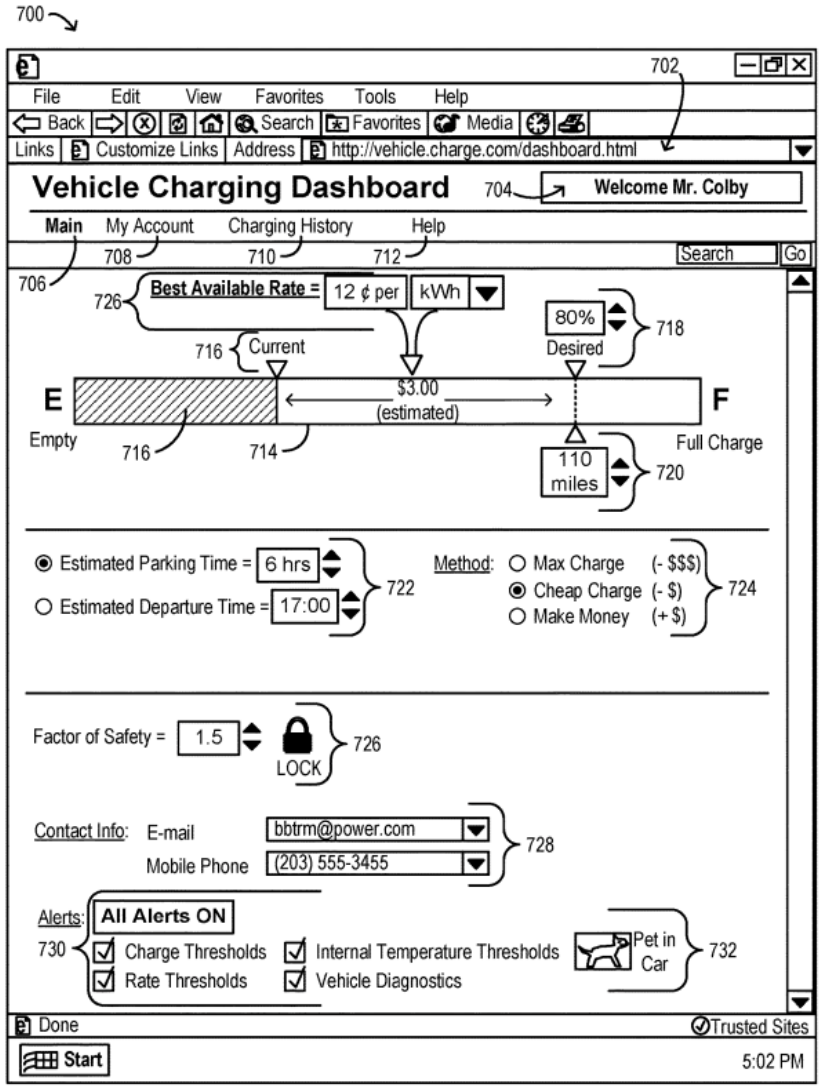
***IPR2025-00032*, EX1001, Abstract**

The ’338 Patent, entitled “Systems and Methods for Electric Vehicle Charging and Power Management,” … recognized that it would be advantageous to intelligently charge vehicles by creating a charging schedule. Id., 2:16-27. Moreover, the applicants recognized the desire for a user to select the desired amount of charge (percentage) via a slider on a vehicle charge indicator element also displaying current battery charge and uncharged levels. …

A selected “charge amount” may be used to compute “the desired charge level in terms of distance capable of being traveled. …

A user may set operating conditions and interior conditions based on a pet being located inside the vehicle during charging.

- IPR2025-00032, PO Resp. 2-5.



Ex. 1001, Fig.7

Representative Challenged Claim of the ’338 Patent

Independent Claim 1	
1[pre]	An electrical charging system, comprising:
1[a]	a vehicle sensor;
1[b]	a communication device;
1[c]	a processor in communication with the vehicle sensor and the communication device; and
1[d]	a memory in communication with the processor, the memory storing instructions that when executed by the processor cause the processor to:
1[e]	receive, from the vehicle sensor, information indicative of a presence of an electric vehicle in a parking space;
1[f]	receive, from the communication device, information indicative of one or more charging preferences corresponding to a desired charging of the electric vehicle, wherein the one or more charging preferences are defined by an operator of the electric vehicle;
1[g]	determine, based at least on the one or more charging preferences and at least one current value of a dynamic attribute of an electric charge provider, a charging schedule for the electric vehicle;
1[h]	wherein at least one of the one or more charging preferences is defined by user input received via a graphical user interface and adapted to display a vehicle charge indicator element comprising a first portion indicative of an amount of charge residing in a battery of the electric vehicle and a second portion indicative of an uncharged capacity of the battery of the electric vehicle and wherein the vehicle charge indicator element further comprises a slider by which an amount of charge may be specified;
1[i]	charge, in accordance with the charging schedule, the electric vehicle;
1[j]	receive a selection of a mode of operation of the electric vehicle that is defined by a stored temperature at which a temperature control system of the electric vehicle is to be set to maintain the interior temperature of the electric vehicle while the electric vehicle remains in a parked state;

***IPR2025-00032, PO Resp.* xi-xii (EX1001, 29:31-30:2)**

Representative Challenged Claim of the ’338 Patent (cont.)

1[k]	display via the graphical user interface an indication of a status of the selected mode of operation of the electric vehicle, wherein the selected mode of operation comprises maintaining the interior temperature of the electric vehicle suitable for a pet located within the electric vehicle;
1[l]	wherein the selected mode of operation comprises maintaining the interior temperature of the electric vehicle suitable for a pet located within the electric vehicle;
1[m]	operate the temperature control system of the electric vehicle in accordance with the selected mode of operation for a duration of time;
1[n]	determine that an amount of charge residing in a battery of the electric vehicle has reached a predefined threshold; and send an alert to an operator of the electric vehicle indicative of the charge residing in the battery having reached the predefined threshold.

***IPR2025-00032, PO Resp.* xiii (EX1001, 30:3-17)**

Representative Challenged Claim of the ’788 Patent

Claim Designation	Claim Language
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.

IPR2025-00152, PO Resp. ix-x **(EX1001, 29:35-62)**

Representative Challenged Claim of the ’987 Patent

Claim Designation	Claim Language
Claim 1[Pre]	An electrical charging system, comprising:
Claim 1[a]	a vehicle sensor;
Claim 1[b]	a communication device;
Claim 1[c]	a processor in communication with the vehicle sensor and the communication device; and
Claim 1[d]	a memory in communication with the processor, the memory storing instructions that when executed by the processor cause the processor to:
Claim 1[e]	receive, from the vehicle sensor, information indicative of a presence of a vehicle in a parking space;
Claim 1[f]	receive, from the communication device, information indicative of one or more charging preferences corresponding to a desired charging of the vehicle, wherein the one or more charging preferences are defined by an operator of the vehicle;
Claim 1[g]	determine, based at least on the one or more charging preferences and at least one current value of a dynamic attribute of an electric charge provider, a charging schedule for the vehicle; and
Claim 1[h]	transmit a control signal to a parking space charge device that starts a charging, in accordance with the charging schedule, of the vehicle;
Claim 1[i]	wherein at least one of the one or more charging preferences is defined by user input received via a graphical user interface adapted to display 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.

IPR2025-00153, PO Resp. ix;
EX1001, 29:31-63)

GROUNDS FOR PETITION – '338 Patent

Ground	Challenged Claims	35 U.S.C. [1]	Reference(s)/Basis
1	1-4, 6-7, 9-13, 15-16, 18-22, 24-25, and 27	§ 103	Ferro[2] in view of Oyobe,[3] Donnelly,[45] Letendre,[5] Zeigler[6], and Galvez-Ramos[7]
2	5, 8, 14, 17, 23, and 26	§ 103	Ferro in view of Oyobe, Donnelly, Letendre, Zeigler, Galvez-Ramos, and Knockeart[8]
3	28-29	§ 103	Ferro in view of Donnelly, Letendre, and Sutardja[9]

GROUNDS FOR PETITION -‘788 Patent

Proposed Grounds of Unpatentability	Exhibits
Ground 1: Sutardja, Donnelly, and Letendre Render Claims 1-4, 6-9, and 11-14 Obvious Under § 103	1011, 1006, 1007
Ground 2: Sutardja, Donnelly, Letendre, and Seelig Render Claims 5, 10, and 15 Obvious Under § 103	1011, 1006, 1007, 1078
Ground 3: Sutardja, Donnelly, Letendre, and Knockeart Render Claims 16-17 Obvious Under § 103	1011, 1006, 1007, 1010

GROUNDS FOR PETITION -‘987 Patent

Proposed Grounds of Unpatentability	Exhibits
Ground 1: Claims 1-4, 6-11, 13-18, 20-27, and 29-30 Are Obvious Under § 103 over Ferro in View of Oyobe, Donnelly, Letendre, and Seelig	1004-1007, 1078
Ground 2: Claims 5, 12, 19, and 28 Are Obvious Under § 103 Over Ferro in View of Oyobe, Donnelly, Letendre, Seelig, and Knockeart	1004-1007, 1078, 1010

Deficiencies in Petitions

Deficiency	IPR2025-0032	IPR2025-00152	IPR2025-00153
The Petition's claim construction of "an amount of charge" is improper	✓	✓	✓
The Petition fails to establish the cited references teach or suggest a "slider by which an amount of charged may be specified."	✓	✓	✓
The Petition does not meet the requisite burden of proof for why a POSITA would combine Ferro with Oyobe	✓	N/A	✓
The Petition fails to establish the cited references teach or suggest "send[ing] an alert to an operator of a vehicle."	✓	N/A	N/A
The Petition does not establish a motivation to combine the various references	✓	✓	✓

See generally **PO Resp., Sur-Reply**

Deficiencies in Petition

1. The Petition's claim construction of "an amount of charge" is improper.
2. The Petition fails to establish the cited references teach or suggest a "slider by which an amount of charged may be specified."
3. IPR2025-00032/00153: The Petition does not meet the requisite burden of proof for why a POSITA would combine Ferro with Oyobe
4. IPR2025-00032: The Petition fails to establish the cited references teach or suggest "send[ing] an alert to an operator of a vehicle."
5. The Petition does not establish a motivation to combine

***See generally* PO Resp., Sur-Reply**

1. The ID relied on Petitioner's improper claim construction of "an amount of charge"

All independent claims of the '338 Patent require
a "slider by which an ***amount of charge*** may be specified"

Claim 1[h]	wherein at least one of the one or more charging preferences is defined by user input received via a graphical user interface and adapted to display a vehicle charge indicator element comprising a first portion indicative of an amount of charge residing in a battery of the electric vehicle and a second portion indicative of an uncharged capacity of the battery of the electric vehicle and wherein the vehicle charge indicator element further comprises a slider by which an amount of charge may be specified;

Claim 19[l]	wherein at least one of the one or more charging preferences is defined by user input received via a graphical user interface and adapted to display a vehicle charge indicator element comprising a first portion indicative of an amount of charge residing in a battery of the electric vehicle and a second portion indicative of an uncharged capacity of the battery of the electric vehicle and wherein the vehicle charge indicator element further comprises a slider by which an amount of charge may be specified;

Claim 10[e]	wherein at least one of the one or more charging preferences is defined by user input received via a graphical user interface and adapted to display a vehicle charge indicator element comprising a first portion indicative of an amount of charge residing in a battery of the electric vehicle and a second portion indicative of an uncharged capacity of the battery of the electric vehicle and wherein the vehicle charge indicator element further comprises a slider by which an amount of charge may be specified;

Claim 28[e]	wherein the at least two charging preferences are defined by an operator of the electric vehicle, and wherein at least the predetermined amount of charge is defined by user input received via a graphical user interface and adapted to display a vehicle charge indicator element comprising a first portion indicative of an amount of charge residing in a battery of the electric vehicle and a second portion indicative of an uncharged capacity of the battery of the electric vehicle and wherein the vehicle charge indicator element further comprises a slider by which the predetermined amount of charge may be specified;

The claims do <u>not</u> recite "charge level"

IPR2025-00032 PO Response, 19; PO Sur-Reply, 6-7

1. The ID relied on Petitioner's improper claim construction of "an amount of charge"

All independent claims, except claim 22 of the '987 Patent, require a "slider by which an ***amount of charge*** may be specified"

Claim 1[f]	(iii) a third portion comprising a slider by which an amount of charge may be specified;

'788 Patent, Claim 1

Claim 1[i]	wherein at least one of the one or more charging preferences is defined by user input received via a graphical user interface adapted to display 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.

'987 Patent, Claim 1

IPR2025-00152 PO Response, 21, IPR2025-00153, PO Response 35

1. The ID relied on Petitioner's improper claim construction of "an amount of charge"

Proper construction of amount of charge does not include specifying desired charge range level in terms of distance travelled, as alleged by Petitioner citing Letendre's selection of miles needed for travel reads on the claimed "amount of charge"

See generally,* PO Response, 17-25; *PO Sur-Reply, 4-10

Petitioner's construction "cherry-picks disclosure … without citing the relevant portion of the specification"

IPR2025-00032, PO Resp., 18;
See IPR2025-00152, PO Resp., 9;
IPR2025-00153, PO Resp., 20.

Letendre thus discloses a slider like that in the '338 Patent, namely a selectable control to indicate a desired level of charge (e.g., an *amount of charge* based on miles needed for travel). *Dec.*, 246.

IPR2025-00032, Pet. 40;
See IPR2025-00152, Pet., 39;
See IPR2025-00153, Pet., 60;

The Institution Decision relied on the Petitioner's mischaracterization

IPR2025-00032, PO Resp., 19;
IPR2025-00152, PO Resp., 9;
IPR2025-00153, PO Resp., 18.

At this stage of the proceeding, we disagree with Patent Owner's interpretation of "amount of charge" as requiring that the user set this "amount" in percentage terms.

IPR2025-00032, Inst. Dec., 30;
IPR2025-00152, Inst. Dec., 17-18;
IPR2025-00153, Inst. Dec., 24-25;

1. Improper claim construction of "an amount of charge"

Proper construction of amount of charge does not include specifying desired charge range level in terms of distance travelled	IPR2025-0032	IPR2025-00152	IPR2025-00153
Specification differentiates between "charge amount" and "charge level"	***See PO Resp.*, 18-19; *PO Sur-Reply*, 4-6**	***See PO Resp.*, 9-11; *PO Sur-Reply*, 4-6**	***See PO Resp.*, 20-21; *PO Sur-Reply*, 2-4**
Petitioner's claim construction arguments are contradictory	***See PO Sur-Reply, 5***	***See PO Sur-Reply, 4***	***See PO Sur-Reply, 3***
"Charge amount" is not interchangeable with "charge level"	***See PO Sur-Reply, 7-8***	***See PO Sur-Reply, 6-8***	***See PO Sur-Reply, 5-6***
The Board's prior construction of "amount of charge" supports Patent Owner	***See PO Resp.*, 2, 22; *PO Sur-Reply*, 8-9**	***N/A***	***N/A***
Patent Owner's construction protects claim validity	***See PO Resp.*, 19-20; *PO Sur-Reply*, 9-10**	***See PO Resp.*, 11; *PO Sur-Reply*, 8-9**	***PO Sur-Reply*, 6-7**

1. Petitioner's improper claim construction of "an amount of charge"

The Specification distinguishes "amount of charge" from "desired charge range level"

***See PO Response*, 18-19; *PO Sur-Reply*, 4-6**

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 '338 patent makes clear **charge amount** (i.e., the claimed "amount of charge") is *different* from **charge level** (which may include distance of travel):

> 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.

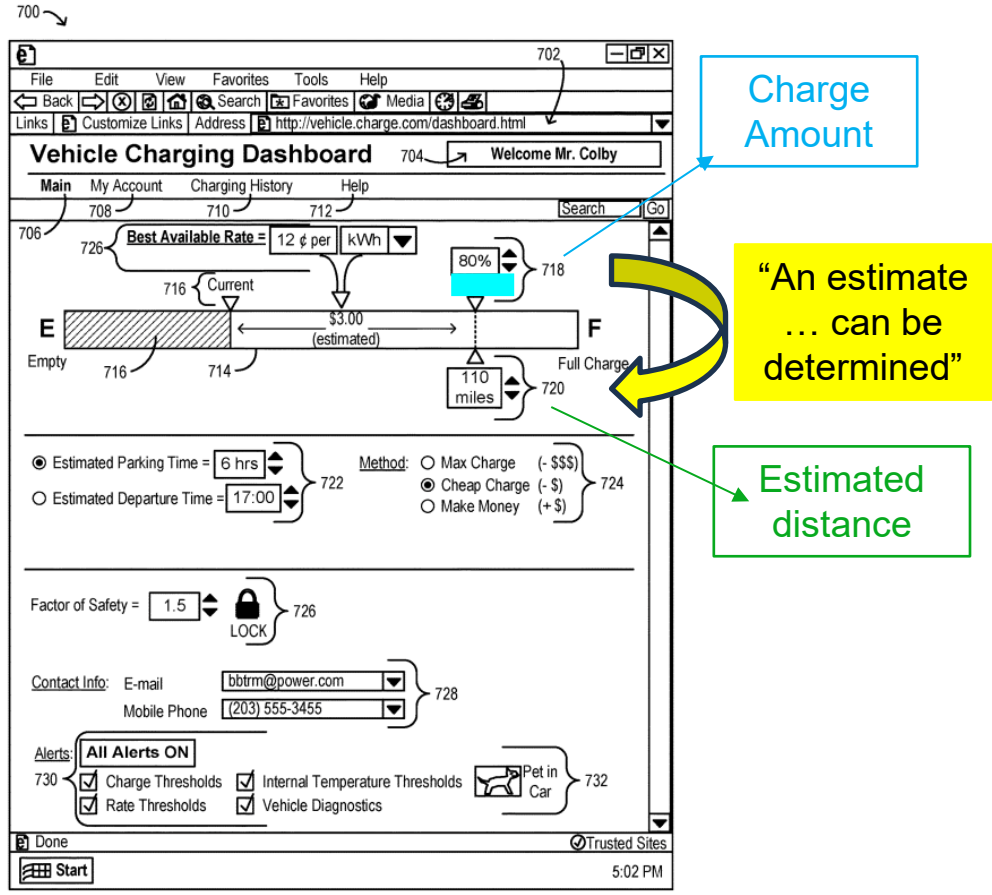
EX1001, 15:2-7; emphasis added. That "charge amount" is used in the same sentence as "desired charge level" indicates that "desired charged level" is not the same as "charge amount" (i.e., *amount of charge*).

IPR2025-00032, PO Resp., 18;
See IPR2025-00152, PO Resp., 10;
See IPR2025-00153, PO Resp., 20.

1. Petitioner's improper claim construction of "an amount of charge"

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.

IPR2025-00032, EX1001, 15:2-11



IPR2025-00032, EX1001, Fig.7

Reflecting this description to the slider embodiment, the user would specify "a given charge amount" which, in context of the Figure 7 embodiment of the '338 Patent, would be "80%". The system would then determine "an estimate of how far the vehicle can travel on [the] given charge amount" of "80%" and display that "estimate" as "110 miles". EX1001, 15: 2-7 and FIG. 7.

IPR2025-00032, PO Sur-Reply, 6;
See IPR2025-00152, PO Resp., 5;
See IPR2025-00153, PO Resp., 4.

1. Petitioner's improper claim construction of "an amount of charge"

Petitioner's claim construction arguments contradict one another.

See PO Sur-Reply, 5

Statement 1:

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.

IPR2025-00032, Pet. Reply, 3;
See IPR2025-00152, Pet. Reply, 3;
See IPR2025-00153, Pet. Reply, 3.

Statement 2:

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.

IPR2025-00032, Pet. Reply, 4;
See IPR2025-00152, Pet. Reply, 4;
See IPR2025-00153, Pet. Reply, 3.

1. Petitioner's improper claim construction of "an amount of charge"

"Charge amount" is not interchangeable with "charge level" in Fig. 7

Petitioner:

The '338 Patent uses the phrases "charge amount" and "charge level" interchangeably"

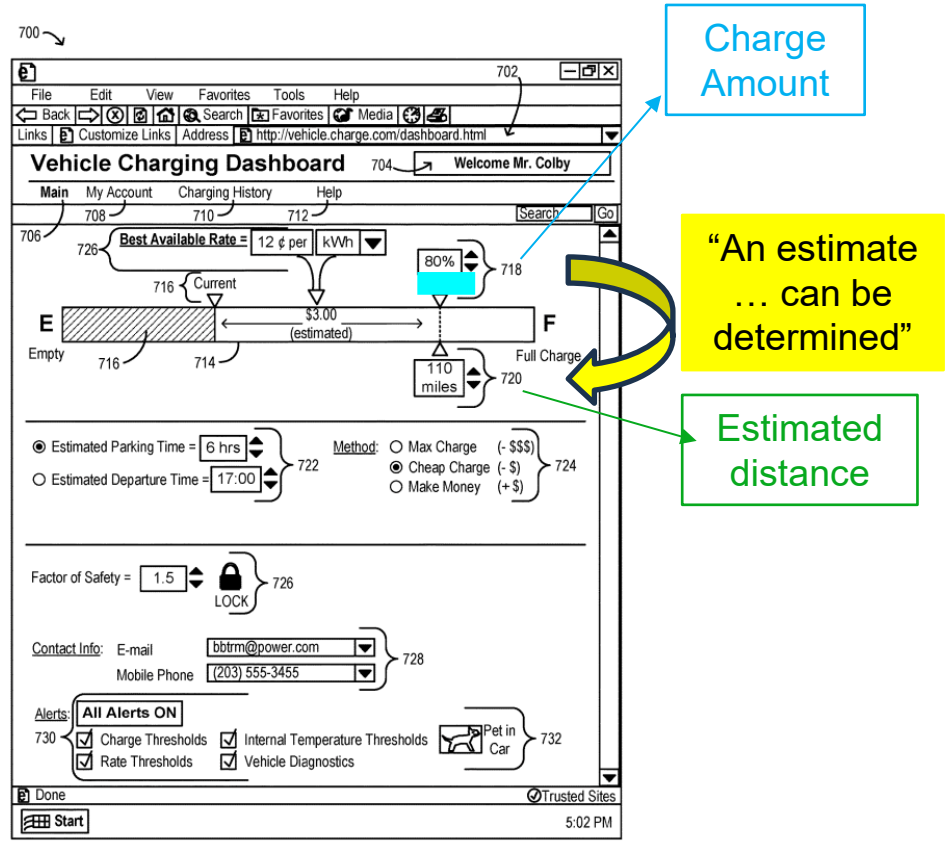
1. "Figure 7 depicts the charge range level and the charge percent level as interchangeable"

IPR2025-00032, Pet. Reply, 5;
See IPR2025-00152, Pet. Reply, 5;
See IPR2025-00153, Pet. Reply, 5.

Patent Owner:

"if a user is inputting a charge amount in terms of desired charge range level, then there would be no "estimate" of that given charge amount that is "utilized" to express the "desired charge level" described at 15:2-7 of the '338 Specification

IPR2025-00032, PO Sur-Reply., 7-8;
See IPR2025-00152, PO Resp., 6-8;
See IPR2025-00153, PO Resp., 5-6.



IPR2025-00032, EX1001, Fig.7

1. Petitioner's improper claim construction of "an amount of charge"

"Charge amount" is not interchangeable with "charge level" in column 15

IPR2025-00032, PO Sur-Reply., 7-8;
See IPR2025-00152, PO Resp., 6-8;
See IPR2025-00153, PO Resp., 5-6.

Petitioner:

The '338 Patent uses the phrases "charge amount" and "charge level" interchangeably" …

2. Reversing "charge amount" and "desired charge level" does not change the meaning of the sentence "how far the vehicle can travel on a given charge amount … desired charge level in terms of distance capable of being travelled."

IPR2025-00032, Pet. Reply, 5;
See IPR2025-00152, Pet. Reply, 5;
See IPR2025-00153, Pet. Reply, 5.

Patent Owner:

Reversing the bolded terms in the sentences does not change the meaning of either sentence" is incorrect. Such reversal, in combination with Petitioner's incorrect construction of the term "amount of charge" entirely nullifies the sentence and makes it entirely non-sensical as a circular sentence

15

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.

Non-sensical sentence if interchangeable

An estimate of how far the vehicle can travel on a given ~~charge amount~~ desired range level … and utilized to express the desired charge level in terms of terms of distance capable of being traveled."

1. The ID relied on Petitioner's improper claim construction of "an amount of charge"

The Board's prior construction of "amount of charge", supports Patent Owner's position

***See* IPR2025-0032, *PO Resp.*, 2, 22; *PO Sur-Reply*, 8-9**

In fact, the claims should be construed the same across all patents, and particularly where the construction is supported in both context of the '338 Patent and the'135 Patent to which the '338 Patent claims priority. *See SightSound Techs., LLC v. Apple Inc.*, 809 F.3d 1307, 1316 (Fed. Cir. 2015)("Where multiple patents derive from the same parent application and share many common terms, we must interpret the claims consistently across all asserted patents.")(internal quotation marks omitted).

IPR2025-0032, *PO Sur-Reply*, 9

Specifically, the Board mentioned that the "operating" step, that was in Claims 8 and 14 of U.S. Patent 10,819,135 and is also found in all Challenged Claims besides claims 28-29 in the '338 Patent, requires that the "amount of charge" include "a determination of an amount of battery level required to maintain a specified operation of climate control mechanism for a particular amount of time." *Id.*, 24. As there would be no specific relationship between a distance to travel and an amount of time the climate control mechanism can run when a vehicle is in a parked state, the "amount of charge" limitation cannot be broadened to include the selection of distance traveled.

IPR2025-0032, *PO Resp., 2*

Deficiencies in Petition

1. The Petition's claim construction of "an amount of charge" is improper.
2. The Petition fails to establish the cited references teach or suggest a "slider by which an amount of charged may be specified."
3. IPR2025-00032/00153: The Petition does not meet the requisite burden of proof for why a POSITA would combine Ferro with Oyobe
4. IPR2025-00032: The Petition fails to establish the cited references teach or suggest "send[ing] an alert to an operator of a vehicle."
5. The Petition does not establish a motivation to combine

***See generally* PO Resp., Sur-Reply**

2. The cited references do not teach or suggest the slider limitation

	IPR2025-0032	IPR2025-00152	IPR2025-00153
Petitioner's combination of Sutardja/Ferro + Donnelly + Letendre is improper:	***See generally PO Resp.*, 36-47; *PO Sur-Reply*, 12-16**	***See generally PO Resp.*, 21-35; *PO Sur-Reply*, 10-16**	***See PO Resp.*, 20-21; *PO Sur-Reply*, 2-4**
The Petition does not show any reference that teaches or suggests the claimed "slider by which an amount of charge may be specified"	***See generally PO Resp.*, 36-45; *PO Sur-Reply*, 12-16**	***See generally PO Resp.*, 22-28; *PO Sur-Reply*, 10-12**	***See PO Resp.*, 20-21; *PO Sur-Reply*, 2-4**
The Petition does not show how Ferro + Donnelly + Letendre would be combined	***See generally PO Resp.*, 43-47; *PO Sur-Reply*, 12-16**	*N/A*	***See PO Sur-Reply, 3***
The Petition does not show how Sutardja + Donnelly + Letendre would be combined	*N/A*	***See generally PO Resp.*, 28-35; *PO Sur-Reply*, 12-15**	*N/A*
Petitioner's Reply relies on arguments not in the Petition	***See PO Sur-Reply*, 15-16**	*N/A*	***See PO Sur-Reply, 5-6***

2. IPR2025-00032/00153 - Ferro + Donnelly + Letendre do not teach or suggest the slider limitation

Neither Ferro nor Donnelly teach or suggest a "slider" as claimed. *See generally PO Resp.*, 36-45; *PO Sur-Reply*, 12-16

Ferro

Petitioner cites to "maximum" and "minimum" levels of charge in Ferro.

IPR2025-00032, Pet., 38;
See IPR2025-00153, Pet. 58.

Petitioner does not cite to Ferro as being a slider.

IPR2025-00032, Pet., 38-39;
See IPR2025-00153, Pet. 58-59.

Ferro's "maximum/minimum charge" is not a slider, instead just two selectable choices

IPR2025-00032, PO Resp., 45;
See IPR2025-00153, PO Resp., 44.

Donnelly

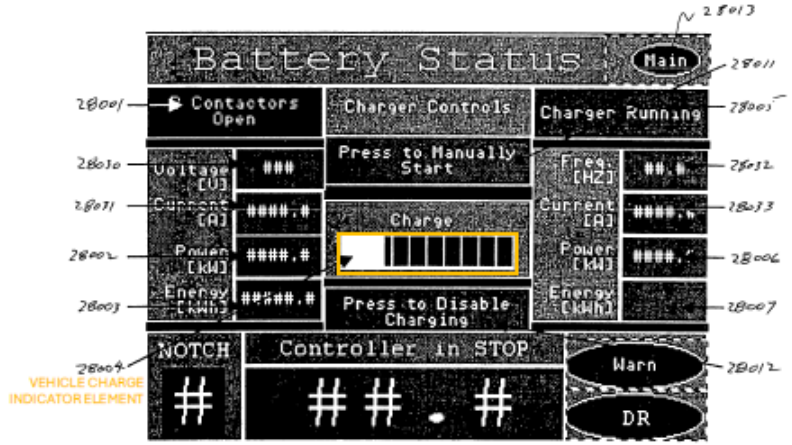


FIG. 28

IPR2025-00032, Pet., 35;
See IPR2025-00153, Pet. 54.

Petitioner does not cite to Donnelly as being a slider.

IPR2025-00032, Pet., 38-39;
See IPR2025-00153, Pet. 58-59.

2. IPR2025-00152/00153 - Ferro + Donnelly + Letendre do not teach or suggest the slider limitation

Neither Sutardja nor Donnelly are relied on as a “slider” as claimed.

Sutardja is not relied on for the “slider” as claimed.

Donnelly

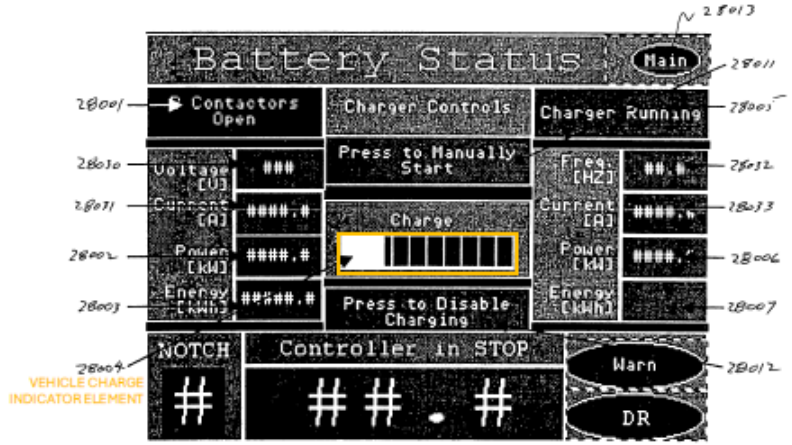


FIG. 28

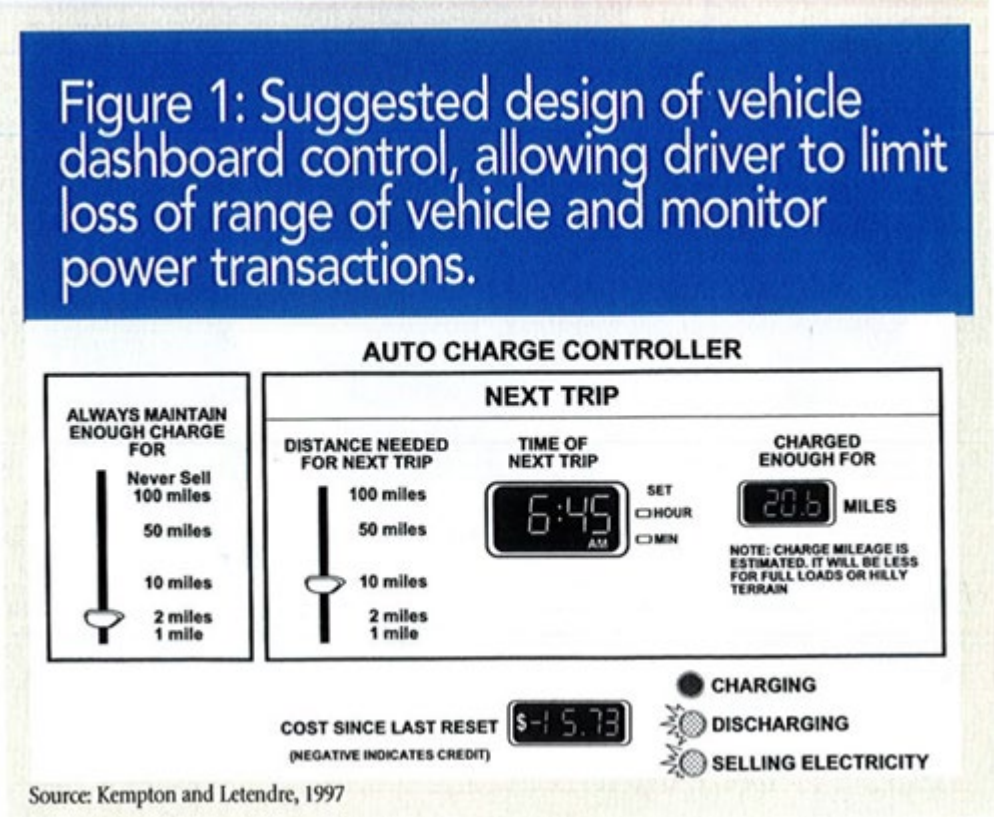
Petitioner does not cite to Donnelly as being a slider.

IPR2025-00153, Pet., 33.

2. IPR2025-00032/00152/00153 - Letendre does not teach or suggest the slider limitation

Letendre is the *only* reference relied on in the Petition for teaching "*a slider by which an amount of charge may be specified* ".

See generally IPR2025-00032, Pet., 38-41, specifically 39;
See IPR2025-00152, Pet., 30-43;.
See IPR2025-00153, Pet. 58-61, specifically 59.



IPR2025-0032 Pet., 39; PO Resp., 40; EX1007, Fig. 1
IPR2025-00152 Pet. 38; PO Resp. 22, EX1007, Fig. 1
IPR2025-00153 Pet. 59; PO Resp. 39, EX1007, Fig. 1

Letendre's deficiencies: Letendre teaches the opposite of a "slider ***by which an amount of charge*** may be specified":

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). EX2002,

IPR2025-0032; PO Resp., 40;
See IPR2025-00152, PO Resp. 25;
See IPR2025-00153 PO Resp. 39.

Letendre only allows the user to specify a distance and a minimum range, but does not allow the user to specify a percentage of charge. Reply, 13, POR, 40.

IPR2025-0032, PO Sur-Reply, 12;
See IPR2025-00152, PO Sur-Reply, 8-9;
See IPR2025-00153, PO Sur-Reply, 12.

2. IPR2025-00032/00152/00153 - Letendre does not teach or suggest the slider limitation

Petitioner ignores its own supplied evidence (Kempton).

IPR2025-00032, PO Resp. 40-41, PO Sur-Reply, 13;
See IPR2025-00152, PO Resp. 25-26, PO Sur-Reply, 11-12
See IPR2025-00153, PO Resp. 39-41, PO Sur-Reply, 13.

Petitioner's Expert acknowledges Kempton (EX1073) and Letendre describe the same controller.

See PO Response, 40-41; EX1003, 243.

Kempton, and thus Letendre, expressly require the user to specify, in miles, "his or her travel needs".

IPR2025-00032, PO Resp. 40-41, PO Sur-Reply, 13;
See IPR2025-00152, PO Resp. 25-26, PO Sur-Reply, 11-12;
See IPR2025-00153, PO Resp. 39-41, PO Sur-Reply, 13.

→

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; EX2002, ¶93.

IPR2025-00032, PO Sur-Reply, 13;
See IPR2025-00152, PO Sur-Reply, 11
See IPR2025-00153, PO Sur-Reply, 13.

The Letendre user cannot know how to set a charging level to a percentage, as admitted by Petitioner's own expert.

→

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.* EX2003, 75:14-19. Thus, the Petitioner's Expert's own testimony conclusively establishes that Letendre's slider cannot specify an "amount of charge."

IPR2025-00032, PO Resp., 43;
See IPR2025-00152, PO Resp. 28;
See IPR2025-00153, PO Resp. 42.

2. IPR2025-00032/00152/00153 – The Petition does not show how Ferro/Sutardja + Donnelly + Letendre would be combined

IPR2025-00032, See generally PO Resp., 43-47; *PO Sur-Reply*, 12-16; *See IPR2025-00152, See generally PO Resp.*, 28-35; *PO Sur-Reply*, 12-15; *See IPR2025-00153, See PO Resp. 43-51; PO Sur-Reply, 3*.

linear scale | non-linear scale

Petition fails to even acknowledge or discuss how these scales would be reconciled

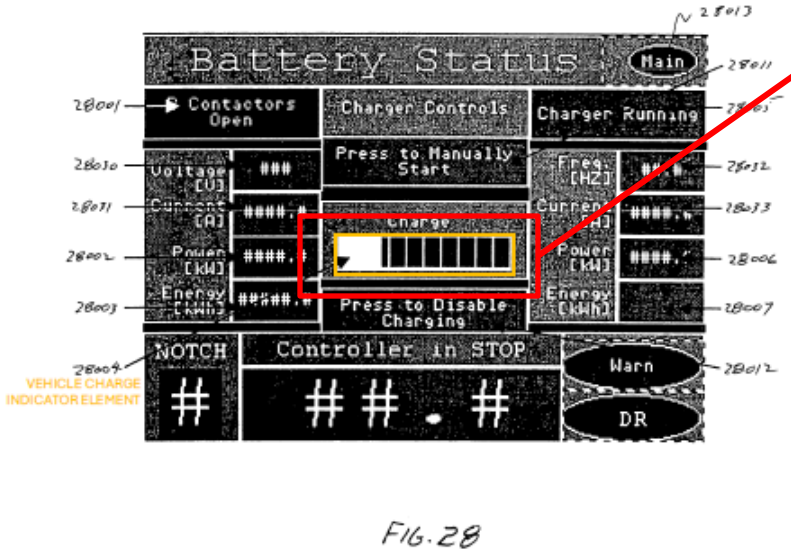
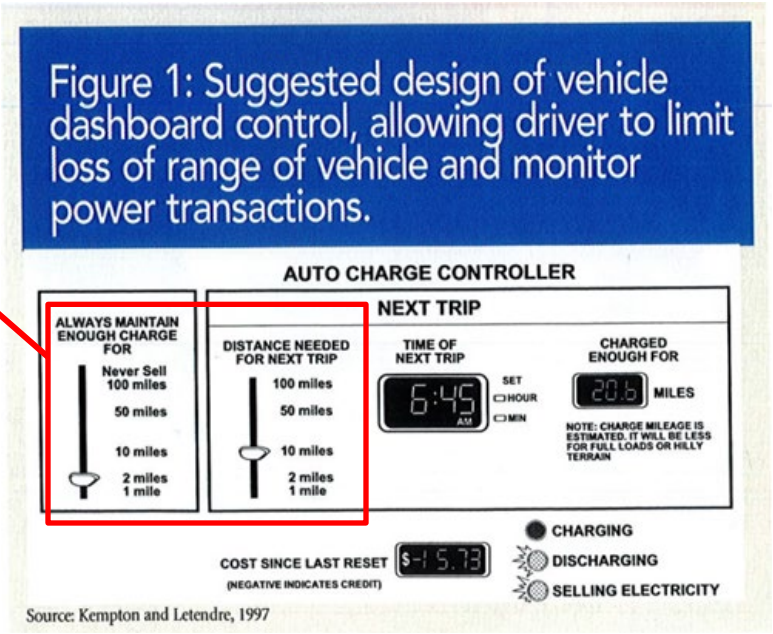


FIG. 28



"the burden of proof is on the petitioner to prove unpatentable those issued claims that were actually challenged in the petition for review and for which the Board instituted review. *In re Magnum Oil Tools Int'l*, Ltd., 829 F.3d 1364, 1375 (Fed. Cir. 2016)"

"in an IPR, the Petitioner must *present evidence* that establishes, by a preponderance of the evidence, *how* a combination of references was supposed to work. *See Pers. Web Techs., LLC v. Apple, Inc.*, 848 F.3d 987, 994 (Fed. Cir. 2017)."

4. Petitioner Does Not Establish a Motivation to Combine or a Reasonable Expectation of Success

- "the burden of proof is on the petitioner to prove unpatentable those issued claims that were actually challenged in the petition for review and for which the Board instituted review … ***that burden never shifts to the patentee***.
  - *In re Magnum Oil Tools Int'l, Ltd.*, 829 F.3d 1364, 1375 (Fed. Cir. 2016)

> 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).

IPR2025-00032, Reply, 14;
See IPR2025-00152, Reply, 14;
See IPR2025-00153, Reply, 13.

Patent Owner does not need to prove a negative.

The Petitioner failed to meet its burden of proof.

IPR2025-00032, PO Sur-Reply, 14;
See IPR2025-00152, PO Sur-Reply, 13;
See IPR2025-00153, PO Sur-Reply, 11.

2. IPR2025-00032/00153 – Petitioner changes Ferro + Donnelly + Letendre combination in the Reply

Petitioner moves the goalpost and changes its arguments in the Reply.

See IPR2025-00032, PO Sur-Reply, 15-16;
See IPR2025-00153, PO Sur-Reply, 13-14.

- Petition:
  - Ferro teaches a user-selectable "[a]mount of charge 514 preference" including a maximum and/or minimum level of charge. *Ferro*, [0123], Fig. 5.
  - Ferro also teaches planner 402 using information from energy data services 418 to create the transaction plan, such as "the present charge state of the batteries on electric vehicle 400." *Ferro*, [0112]-[0113]

IPR2025-00032, Pet., 33-34;
IPR2025-00153, Pet., 53

- Petitioner's Reply
  - 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.

IPR2025-00032, Pet. Reply, 15;
IPR2025-00153, Pet. Reply, 15

2. IPR2025-00032/00153 – Petitioner changes Ferro + Donnelly + Letendre combination in the Reply

The new arguments make the combination even more untenable.

- Ferro states: “Amount of charge 514 preferences may … specify different levels of charge depending on power source 540 of the electricity used to charge the electric vehicle. If the power source is a “green” source, such as Solar power, the user may specify a higher charge level than if the power source is a more environmentally harmful, or “brown' power source, such as coal or oil.” EX1004, [0123].

Unaddressed questions in the alleged Ferro/Donnelly/Letendre slider combination:

- How to reconcile Donnelly/Letendre different scales?
- How to reconcile increased variables (Donnelly battery percentage, Letendre mileage, power source type of Ferro)?

See IPR2025-00032, PO Sur-Reply, 15-16;
See IPR2025-00153, PO Sur-Reply, 13-14.

Deficiencies in Petition

1. The Petition's claim construction of "an amount of charge" is improper.
2. The Petition fails to establish the cited references teach or suggest a "slider by which an amount of charged may be specified."
3. IPR2025-00032/00153: The Petition does not meet the requisite burden of proof for why a POSITA would combine Ferro with Oyobe
4. The Petition fails to establish the cited references teach or suggest "send[ing] an alert to an operator of a vehicle."
5. The Petition does not establish a motivation to combine

***See generally* PO Resp., Sur-Reply**

3. IPR2025-00032/00153: Ferro would not be combined with Oyobe

Independent Claim 1	
1[pre]	An electrical charging system, comprising:
1[a]	a vehicle sensor;
1[b]	a communication device;
1[c]	a processor in communication with the vehicle sensor and the communication device; and
1[d]	a memory in communication with the processor, the memory storing instructions that when executed by the processor cause the processor to:
1[e]	receive, from the vehicle sensor, information indicative of a presence of an electric vehicle in a parking space;
1[f]	receive, from the communication device, information indicative of one or more charging preferences corresponding to a desired charging of the electric vehicle, wherein the one or more charging preferences are defined by an operator of the electric vehicle;
1[g]	determine, based at least on the one or more charging preferences and at least one current value of a dynamic attribute of an electric charge provider, a charging schedule for the electric vehicle;

Petitioner incorrectly alleges Ferro would be combined with Oyobe to teach the "vehicle sensor":

A POSITA would have found it obvious and been motivated to incorporate Oyobe's detecting apparatus 108 into Ferro's electric vehicle 116/400 to detect when the vehicle is parked at a charging station, per Oyobe. *Dec.,* 150.

See IPR2025-00032, Pet., 10-12;
See IPR2025-00153, Pet., 18-20

3. IPR2025-00032/00153: Ferro would not be combined with Oyobe

- Oyobe's vehicle position detection sensor does not provide information that enables identifying *intention to charge.*

See generally **IPR2025-00032,** ***PO Resp.*****, 32-35;** ***PO Sur-Reply,*** **17-18;**
See generally **IPR2025-00153,** ***PO Resp.*****, 27-34;** ***PO Sur-Reply,*** **15-16**

- Oyobe's intention is for the driver to get out of the vehicle, contrary to the alleged motivation to combine with Ferro.

See generally **IPR2025-00032,** ***PO Resp.*****, 35-36;**
See generally **IPR2025-00153,** ***PO Resp.*****, 34.**

- Oyobe is not akin to the wireless interrogation vehicle sensor example in the '338 Patent

See generally PO Response**, 30-31**

3. IPR2025-00032/00153: Ferro would not be combined with Oyobe

Neither Ferro nor Oyobe enables an *intention to charge* as required by the Ferro/Oyobe motivation to combine.

See generally **IPR2025-00032, *PO Resp.*, 32-35; *PO Sur-Reply,* 17-18;**
See generally **IPR2025-00153, *PO Resp.*, 27-34; *PO Sur-Reply,* 15-16**

- The reason for combining Ferro with Oyobe is entirely premised on establishing yielding "predictable results of enabling "***an intention to charge***"

IPR2025-00032, Pet. 11-12;
IPR2025-00153, Pet. 20-21.

- Petitioner's Reply states "intention to charge … does not necessarily indicate the vehicle is prepared to charge. …

IPR2025-00032, Reply, 17;
IPR2025-00153, Reply, 17.

- The combination further would have allowed the user to "instruct charging".

IPR2025-00032, Reply, 19;
IPR2025-00153, Reply, 19.

Oyobe's wireless sensor ≠ "intention to charge" ≠ Motivation to combine

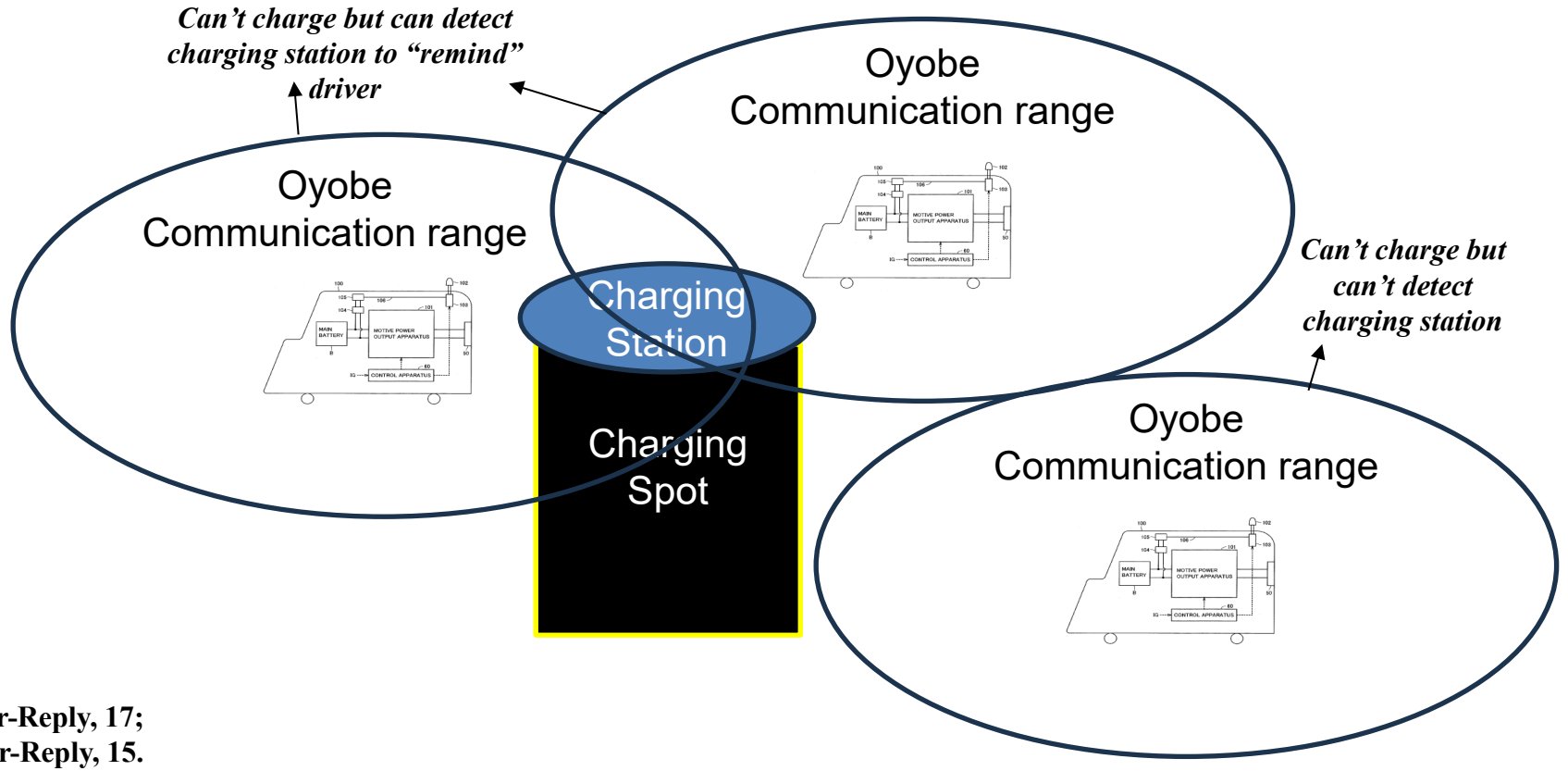
3. IPR2025-00032/00153: Ferro would not be combined with Oyobe

Oyobe teaches only that it is within general vicinity of a charging equipment, not that there is an *intention to charge*.

Petitioner incorrectly alleges:

"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."

IPR2025-00032, Reply, 19; IPR2025-00153, Reply, 19.



See generally IPR2025–00032, *PO Resp.*, 29-36; PO Sur-Reply, 17;
See generally IPR2025–00153, *PO Resp.*, 31-35; PO Sur-Reply, 15.

3. IPR2025-00032/00153: Ferro would not be combined with Oyobe

Oyobe's device intends for the driver to be outside of the vehicle.

See generally **IPR2025-00032, *PO Resp.*, 32-36; *PO Sur-Reply,* 17-18;**
See generally **IPR2025-00153, *PO Resp.*, 27-34; *PO Sur-Reply,* 15-16**

The reason for combining Ferro with Oyobe is entirely premised on establishing yielding "predictable results of enabling "an intention to charge" ***without an operator leaving the vehicle."***

IPR2025-00032, Pet. 11-12
IPR2025-00153, Pet. 20-21

The combination further would have allowed the user to "instruct charging without exiting the vehicle and physically interacting with a charging station,"

IPR2025-00032, Reply, 19
IPR2025-00153, Reply, 19

The only use of Oyobe's detecting apparatus is as "disposed at a location where it can easily be seen by the driver ***when the driver has exited from the vehicle."*** EX1005, Fig. 14, [0132]-[0133]; emphasis added.

IPR2025-00032, PO Resp., 35-36;
IPR2025-00153, PO Resp., 34-35

Petitioner's proposed combination is analogous to illuminating the low on fuel indicator in a standard gasoline powered vehicle only when the driver has pulled into a filling station and parked next to a gas pump, which is nonsensical.



IPR2025-00032, PO Resp., 32-33; EX2002, 79
IPR2025-00153, PO Resp., 31-33; EX2005, 73

3. IPR2025-00032/00153: Ferro would not be combined with Oyobe

Oyobe is not "akin to the wireless interrogation vehicle sensor example" in the '338 Patent as alleged at Petition, 11 and Institution Decision, 18-19.

See generally **IPR2025-00032, *PO Resp.*, 30-31;**
See generally **IPR2025-00153, *PO Resp.*, 29-31.**

'338 Patent disclosure, 16:45-52:

example. In some embodiments, the sensor may detect an actual physical coupling of the vehicle to a charge management device, may detect an electrical coupling of the vehicle to the charge management device, and/or may detect and/or analyze a positioning of the vehicle (e.g., to determine whether the vehicle is properly positioned, oriented, and/or outfitted for charging services).

- Position/Orientation/outfitting are **not** in Oyobe
- Instead – Oyobe teaches a general proximity to a charging station.
- The '338/'987 Patents have more functionality than Oyobe

Deficiencies in Petition

1. The Petition's claim construction of "an amount of charge" is improper.
2. The Petition fails to establish the cited references teach or suggest a "slider by which an amount of charged may be specified."
3. IPR2025-00032/00153: The Petition does not meet the requisite burden of proof for why a POSITA would combine Ferro with Oyobe
4. IPR2025-00032: The Petition fails to establish the cited references teach or suggest "send[ing] an alert to an operator of a vehicle."
5. The Petition does not establish a motivation to combine

***See generally* PO Resp., Sur-Reply**

4. IPR2025-00032: The Petition fails to establish "send[ing] an alert to an operator of a vehicle."

'338 Patent Claim Language (Claim 1):

1. Claim 1[j]: "receive a selection of a mode of operation to maintain the internal temperature … in a parked state";
2. Claim 1[k]:"display via the graphical user interface an indication of a status of the selected mode of operation";
3. Claim 1[l]:"maintaining the interior temperature … for a pet located within the electric vehicle. … for a duration of time"
4. Claim 1[n]:"determine the amount of charge residing in a battery … has reached a predefined threshold"
5. Claim 1[n]:"send an alert to an operator … indicative of the charge residing the battery having reached the predefined threshold.

The "alert" is to someone outside of the vehicle.

***See generally IPR2025-00032, PO Resp.*, 48-53**

4. IPR2025-00032: The Petition fails to establish "send[ing] an alert to an operator of a vehicle."

Petition improperly relies on an **in-vehicle** *GUI warning* (Donnelly)

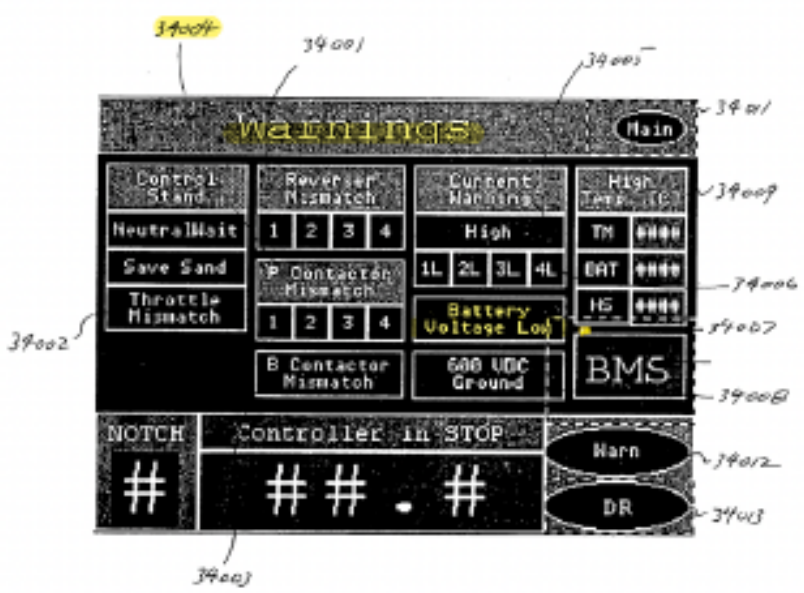


FIG. 34

Donnelly thus teaches Claim 1[n], namely determining the battery voltage or state of charge (*amount of charge residing in a battery*) is "below the lower set point" (*has reached a predefined threshold*), and sending a "warning" via the display (*send an alert to an operator*) indicating the battery voltage is low (*indicative of the charge residing in the battery having reached the predetermined threshold*). *Donnelly*, 18:65-67, 25:15-16, FIG. 34; *Dec.*, 298.

A POSITA would have found it obvious and been motivated to modify Ferro to include Donnelly's low-voltage warning responsive to determining the battery voltage/state of charge is below a lower set point. *Dec.*, 299.

***IPR2025-00032, Pet.*, 57-59**

4. IPR2025-00032: The Petition fails to establish "send[ing] an alert to an operator of a vehicle."

'338 Patent Claim Language (Claim 1):

1. Claim 1[j]:"receive a selection of a mode of operation to maintain the internal temperature … in a parked state";
2. Claim 1[k]:"display via the graphical user interface an indication of a status of the selected mode of operation";
3. Claim 1[l]:"maintaining the interior temperature … for a pet located within the electric vehicle. … for a duration of time"
4. Claim 1[n]:"determine the amount of charge residing in a battery … has reached a predefined threshold"
5. Claim 1[n]:"send an alert to an operator … indicative of the charge residing the battery having reached the predefined threshold.

The "send an alert to an operator" must be different than "display via the graphical user interface".

A bedrock claim construction principle is that "[w]here a claim lists elements separately, 'the clear implication of the claim language' is that those elements are 'distinct component[s]' of the patented invention." *Becton, Dickinson & Co. v. Tyco Healthcare Grp., LP*, 616 F.3d 1249, 1255 (Fed. Cir. 2010).

***See generally* IPR2025-00032, *PO Response*, 52-53**

4. IPR2025-00032: The Petition fails to establish "send[ing] an alert to an operator of a vehicle."

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571-272-7822

Paper 29
Entered: May 2, 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TESLA, INC.,
Petitioner,

v.

CHARGE FUSION TECHNOLOGIES, LLC,
Patent Owner.

IPR2023-00063
Patent 10,819,135 B2

Before MEREDITH C. PETRAVICK, JEREMY M. PLENZLER, and CARL M. DEFRANCO, *Administrative Patent Judges*.

PLENZLER, *Administrative Patent Judge*.

JUDGMENT
Final Written Decision
Determining No Challenged Claims Unpatentable
35 U.S.C. § 318(a)

I. INTRODUCTION

A. Background and Summary

Tesla, Inc. ("Petitioner") filed a Petition requesting *inter partes* review of claims 1–5, 7–11, and 14–16 of U.S. Patent No. 10,819,135 B2 (Ex. 1001, "the '135 patent"). Paper 2 ("Pet."). Charge Fusion

The Board's prior Written Decision in IPR2023-00063 supports Patent Owner

According to the '135 patent, the "main" menu item 706 may comprise a "pet in car" button 732. Ex. 1001, 15:45–55. The "pet in car" button 732 may automatically set alerts and/or charge parameters to levels conducive to maintaining the comfort and safety of a pet left in a parked vehicle. *Id*. Thus, a user may safely leave a pet in a parked vehicle by establishing and/or setting charging parameters designed to keep the air conditioning on to maintain a cool vehicle and/or to keep the heat on to maintain a warm vehicle (e.g., depending upon the relevant season and/or external weather conditions). *Id*. The '135 patent explains that "the operator [may] be notified if the current charge level of the vehicle 660 falls ***below a level*** that allows the Air Conditioning (A/C) to remain on for [a time, such as] fifteen (15) minutes" or "the operator [may] be notified if the temperature inside the vehicle 660 climbs above [a temperature, such as] seventy (70) degrees." *Id.* at 13:43– 50.

***See generally PO Response*, 48-50**

Deficiencies in Petition

1. The Petition's claim construction of "an amount of charge" is improper.
2. The Petition fails to establish the cited references teach or suggest a "slider by which an amount of charged may be specified."
3. IPR2025-00032/00153: The Petition does not meet the requisite burden of proof for why a POSITA would combine Ferro with Oyobe
4. IPR2025-00032: The Petition fails to establish the cited references teach or suggest "send[ing] an alert to an operator of a vehicle."
5. The Petition does not establish a motivation to combine

***See generally* PO Resp., Sur-Reply**

5. Petitioner Does Not Establish a Motivation to Combine or a Reasonable Expectation of Success

- "[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 Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007)
- 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."
  - *See Grain Processing Corp. v. Am.-Maize Prods. Co.,* 840 F.2d 902, 907 (Fed. Cir. 1988).
- 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)
- "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).

***See IPR2025-00032, PO Resp.* 56-58; *PO Sur-Reply,* 20-21;**
***See IPR2025-00152, PO Resp.* 40-45; *PO Sur-Reply,* 14-16;**
***See IPR2025-00153, PO Resp.* 56-62; *PO Sur-Reply,* 17-18**

4. IPR2025-00032: Petitioner Does Not Establish a Motivation to Combine or a Reasonable Expectation of Success

- Petitioner simply picks the claim elements from ***six*** disparate references:
  1. Ferro – directed towards a method for generating a dynamic energy transaction plan that already has wireless communication capabilities with a charging station; (*see PO Response*, 7-8, 29-30, 59-60)
  2. Oyobe – directed towards a system reminding a driver that has exited the vehicle that they may need to charge their vehicle if they are in general proximity to a charging station, and (*see PO Response*, 10-13, 32-36, 59-60)
  3. Donnelly – directed towards a user interface for a *locomotive train* that displays a picture of a charge status in bar-graph format; (*see PO Response*, 13, 59-60)
  4. Letendre – add a mileage range selection on top of the Donnelly bar graph having a different scale based on a single image in a magazine; (*see PO Response*, 13-14, 38, 59-60)
  5. Zeigler – add a mode of operation relating to maintaining the interior temperature of a *non-electric vehicle* while in a parked state; (*see PO Response* 59-60)
  6. Galvez-Ramos – add another HVAC control system as none of the previous references teach or suggest maintaining temperature in a vehicle suitable for pets. (*see PO Response,* 59-60*)*
- Petitioner's list of reasons contradict one another:
  - (1) with respect to modifying Ferro with Oyobe, Petitioner states the motivation is to allow the user to conduct charging without exiting the vehicle. (Pet., 12).
  - (2) However, with respect for modifying Ferro with Zeigler, Petitioner (1) ignores Oyobe and other modifications and then (2) states that the motivation would be to display a confirmation of the selected mode so that the user can leave the vehicle with "peace of mind."
  - (3) Ferro/Oyobe/Letendre are electric vehicles; Donnelly is a locomotive train; Zeigler is a non-electric vehicle.

***See IPR2025-00032,* PO Resp. 59-65**

4. IPR2025-00032: Petitioner Does Not Establish a Motivation to Combine or a Reasonable Expectation of Success

Alleged Motivation = intention to charge while inside the vehicle (Pet., 11-12)

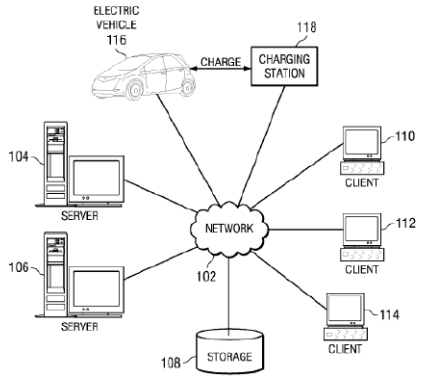
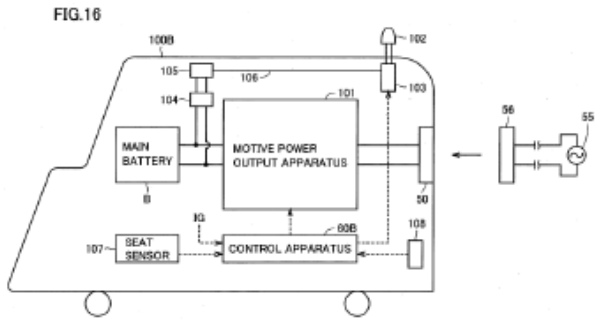


FIG. 1

Ex. 1004 (Ferro), Fig. 1



Ex. 1005 (Oyobe), Fig. 10

No discussion of other references in motivation (*PO Resp., 66)*

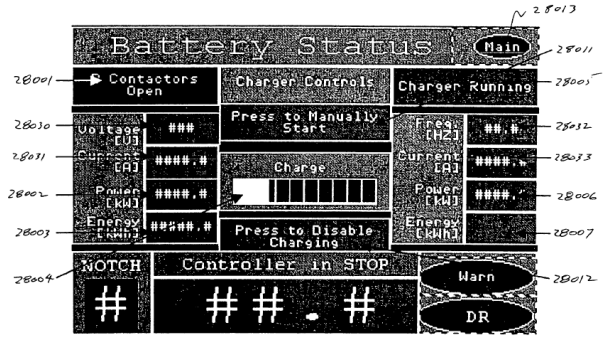
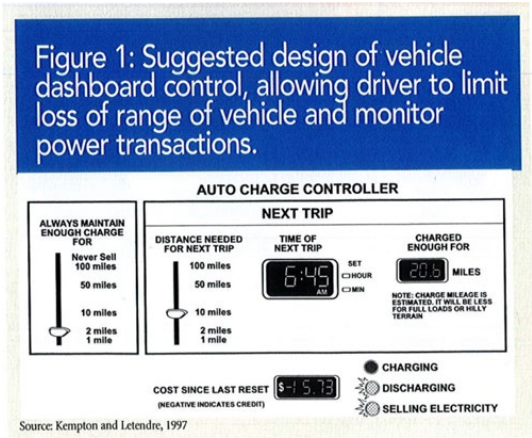


FIG. 28

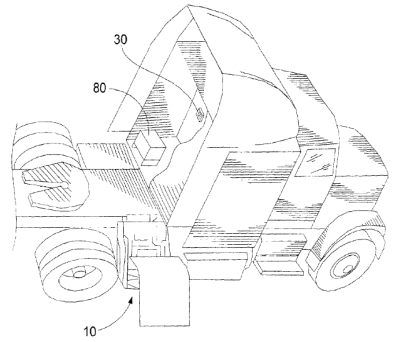
Ex. 1006 (Donnelly), Fig. 28



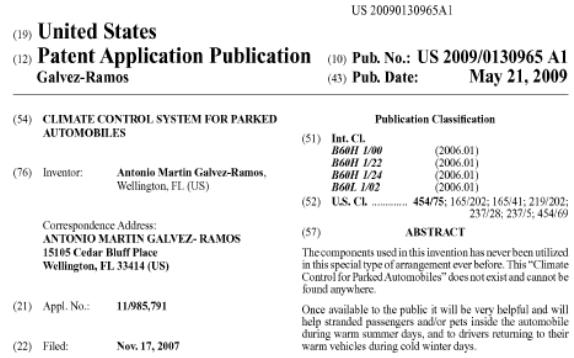
Ex. 1007 (Letendre), Fig. 1

Alleged Motivation = user can leave the vehicle (Pet., 50; EX2002, 124)

FIG. 6



Ex. 1009 (Zeigler), Fig. 6 (non-electric)



US 20090130965A1

(19) **United States**

(12) **Patent Application Publication**
Galvez-Ramos

(10) **Pub. No.: US 2009/0130965 A1**

(43) **Pub. Date: May 21, 2009**

(54) **CLIMATE CONTROL SYSTEM FOR PARKED AUTOMOBILES**

Publication Classification

(51) **Int. Cl.**

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B60H 1/22	(2006.01)
B60H 1/24	(2006.01)
B60L 1/02	(2006.01)

(52) **U.S. Cl.** **454/75**; 165/202; 165/41; 219/202; 237/28; 237/5; 454/69

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(57) **ABSTRACT**

The components used in this invention has never been utilized in this special type of arrangement ever before. This "Climate Control for Parked Automobiles" does not exist and cannot be found anywhere.

(21) Appl. No.: **11/985,791**

Once available to the public it will be very helpful and will help stranded passengers and/or pets inside the automobile during warm summer days, and to drivers returning to their warm vehicles during cold winter days.

(22) Filed: **Nov. 17, 2007**

Ex. 1008 (Galvez-Ramos)

***See* PO Resp. 58-66**

4. IPR2025-00032/00153: Petitioner Does Not Establish a Motivation to Combine or a Reasonable Expectation of Success

Alleged Motivation = intention to charge while inside the vehicle (IPR2025-00032, Pet. 11-12; IPR2025-00153, Pet., 20-21)

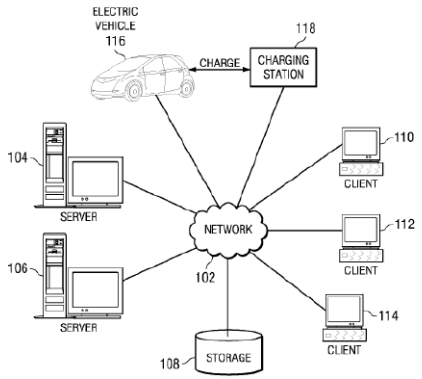
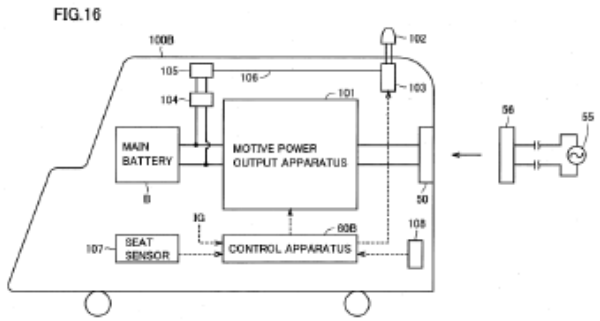


FIG. 1

Ex. 1004 (Ferro), Fig. 1



Ex. 1005 (Oyobe), Fig. 10

No discussion of other references in motivation (IPR2025-00032, *PO Resp., 66;* IPR2025-00153, PO Resp. 61-62 *)*

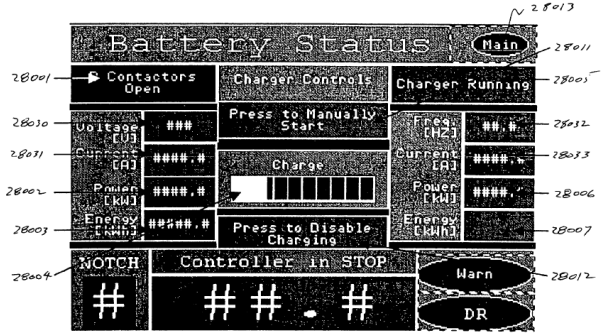
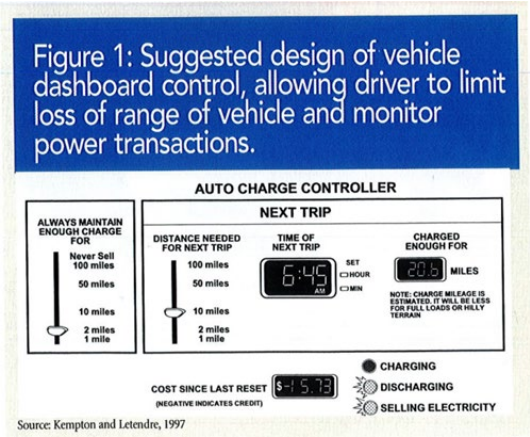


FIG. 28

Ex. 1006 (Donnelly), Fig. 28



Ex. 1007 (Letendre), Fig. 1

Alleged Motivation = user can leave the vehicle (IPR2025-00032, Pet. 72-73; IPR2025-00153, Pet., 79-80)

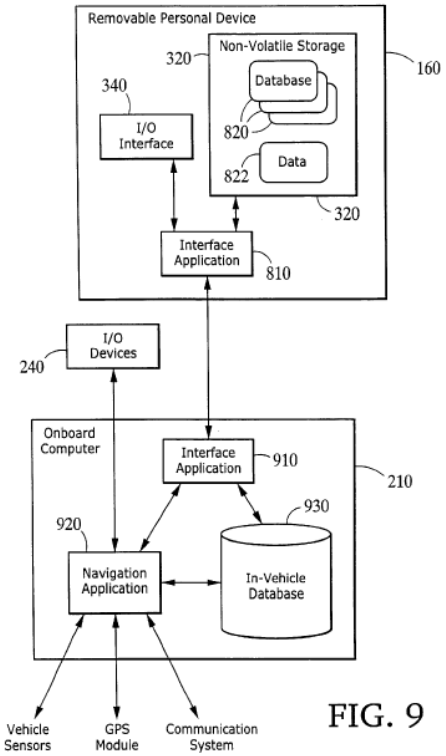


FIG. 9

Ex. 1010 (Knockeart)

***See* IPR2025-00032, PO Resp. 65; *See* IPR2025-00153, PO Resp. 58-64**

4. IPR2025-00032: Petitioner Does Not Establish a Motivation to Combine or a Reasonable Expectation of Success

Electric Vehicles

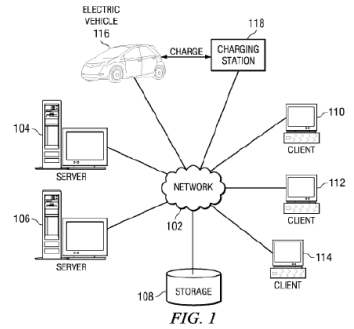
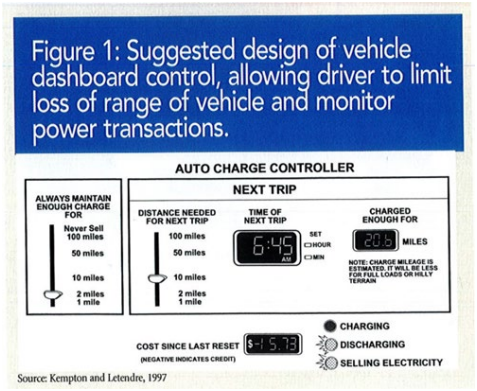
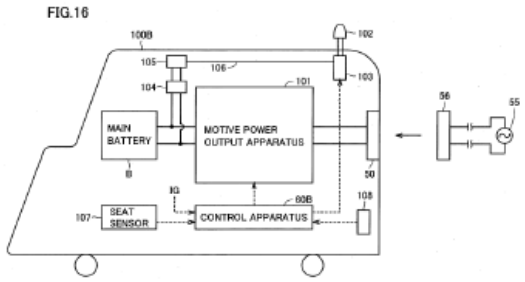


FIG. 1

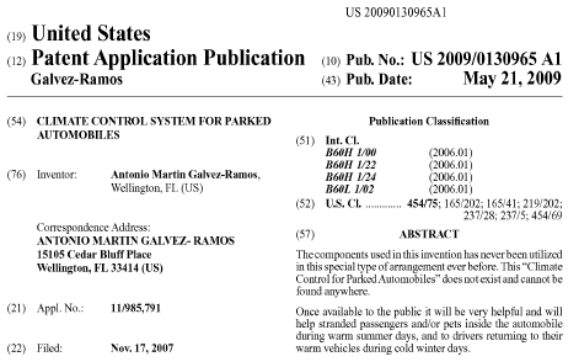
Ex. 1004 (Ferro), Fig. 1



Ex. 1007 (Letendre), Fig. 1



Ex. 1005 (Oyobe), Fig. 10


US 20090130965A1

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(12) **Patent Application Publication**
Galvez-Ramos

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(43) **Pub. Date: May 21, 2009**

(54) **CLIMATE CONTROL SYSTEM FOR PARKED AUTOMOBILES**

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B60H 1/22 (2006.01)
B60H 1/24 (2006.01)
B60L 1/02 (2006.01)

(52) **U.S. Cl.** **454/75**; 165/202; 165/41; 219/202; 237/28; 237/5; 454/69

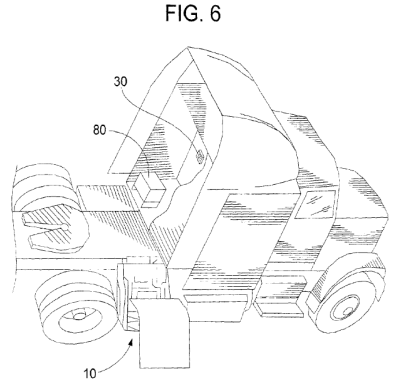
(57) **ABSTRACT**

The components used in this invention has never been utilized in this special type of arrangement ever before. This "Climate Control for Parked Automobiles" does not exist and cannot be found anywhere.

Once available to the public it will be very helpful and will help stranded passengers and/or pets inside the automobile during warm summer days, and to drivers returning to their warm vehicles during cold winter days.

Ex. 1008 (Galvez-Ramos)

Non-Electric Vehicle



Ex. 1009 (Zeigler), Fig. 6 (non-electric)

Train

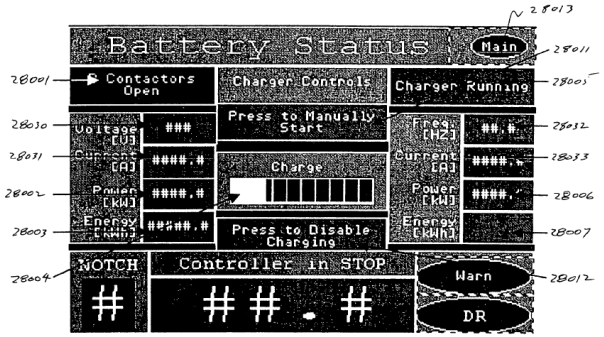


FIG. 28

Ex. 1006 (Donnelly), Fig. 28

***See IPR2025-00032*, PO Resp. 58-66**

4. IPR2025-00032: Petitioner Does Not Establish a Motivation to Combine or a Reasonable Expectation of Success

Electric Vehicles

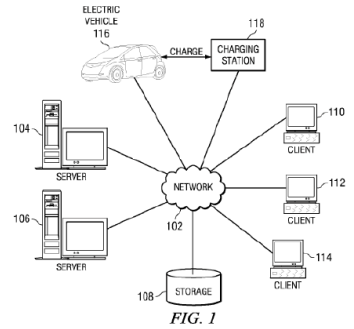
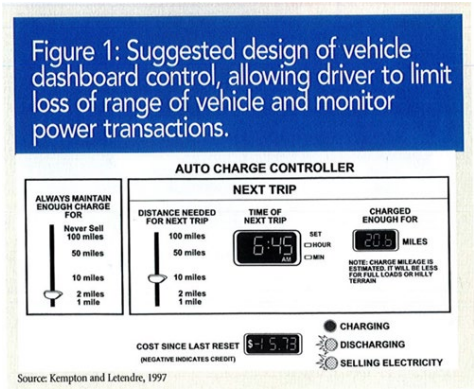
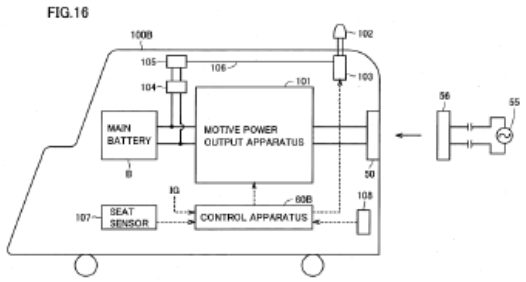


FIG. 1

Ex. 1004 (Ferro), Fig. 1



Ex. 1007 (Letendre), Fig. 1



Ex. 1005 (Oyobe), Fig. 10

Train

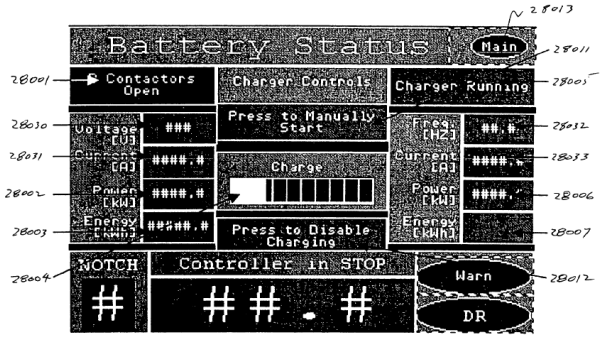


FIG. 28

Ex. 1006 (Donnelly), Fig. 28

Personal Device and Vehicle Computer / Navigation System)

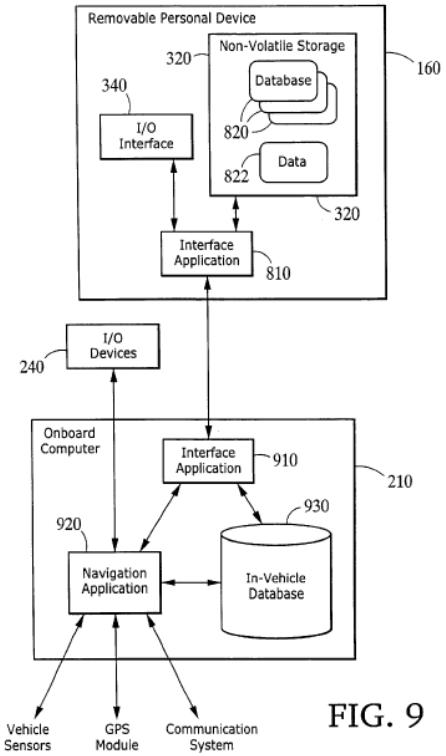


FIG. 9

Ex. 1010 (Knockeart)

***See* IPR2025-00032, PO Resp., 55-56, PO Sur-Reply, 21-23;**
***See* IPR2025-00153, PO Resp., 54-55, PO Sur-Reply, 19-20;**

4. IPR2025-00032/00153: Petitioner Does Not Establish a Motivation to Combine or a Reasonable Expectation of Success



Scott Andrews

"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).

Q. (BY MR. POMEROY) Is there a motivation to add Letendre to Donnelly separate and apart from Ferro?

THE WITNESS: Well, no, I haven't really provided a -- a separate combination of Letendre and Donnelly. In fact, I'm saying that -- that Letendre teaches a solution to what's missing in Ferro. And, you -- you know, that -- that would be relevant and applicable regardless of whether you had Donnelly present or not.

Q. (BY MR. POMEROY) Similar to that, do you provide any specific motivations in your declaration to combine Oyobe with Donnelly?

A. No, it's the same answer. Oyobe solves a problem for Ferro.

Ex. 2003 (Andrews Depo. Tr.), 77:24-78:4

***See IPR2025-00032,* PO Resp., 64**

Tesla, Inc.

Petitioner,

v.

Charge Fusion Technologies, LLC

Patent Owner,

Consolidated Hearing

IPR2025-00032, IPR2025-00152, IPR2025-00153

U.S. Patent Nos. 11,563,338, 11,990,788 and 11,631,987