

From: [Director Discretionary Decision](#)
To: [Stephen Zinda](#); [Director Discretionary Decision](#); [Trials](#)
Cc: [John Watkins](#); [Adam M. Sandwell](#); [Ashraf Fawzy](#); [Erise PTAB List](#); [Graeme I. Gillespie](#); [Lydia C. Raw](#); [Kevin J. Rongish](#); [Mark C. Lang](#); [Robin A. Snader](#); [Jun Zheng](#); [Angelica P. Dinorcia](#); [Virginia A. Brown](#); [Darby L. Gilfillan](#); [James Hall](#); [Jennifer Bailey](#)
Subject: RE: [External] Urgent Request for Relief in Tesla v. ChargeLogic - IPR2026-00377, IPR2026-00378, IPR2026-00379, IPR2026-00380, IPR2026-00381 and IPR2026-00382
Date: Thursday, October 8, 2026 9:46:10 AM

Patent Owner's request to strike Ex. 1096 is denied. Patent Owner is authorized to file a 3-page reply in IPR2026-00377, -00378, -00379, -00380, -00381, and -00382, due no later than Tuesday October 13, 2026, limited to addressing the issues raised in Petitioner's Ex. 1096, Declaration of Brian Rosenthal. No further briefing will be authorized.

From: Stephen Zinda <stephen@chzfirm.com>
Sent: Wednesday, October 7, 2026 7:20 PM
To: Director_Discretionary_Decision <Director_Discretionary_Decision@uspto.gov>; Trials <Trials@USPTO.GOV>
Cc: John Watkins <jwatkins@chzfirm.com>; Adam M. Sandwell <Adam.Sandwell@eriseip.com>; Ashraf Fawzy <afawzy@tesla.com>; Erise PTAB List <PTAB@eriseip.com>; Graeme I. Gillespie <Graeme.Gillespie@eriseip.com>; Lydia C. Raw <Lydia.Raw@eriseip.com>; Kevin J. Rongish <Kevin.Rongish@eriseip.com>; Mark C. Lang <Mark.Lang@eriseip.com>; Robin A. Snader <Robin.Snader@eriseip.com>; Jun Zheng <zhengjun@tesla.com>; Angelica P. Dinorcia <Angelina.Dinorcia@eriseip.com>; Virginia A. Brown <Virginia.Brown@eriseip.com>; Darby L. Gilfillan <Darby.Gilfillan@eriseip.com>; James Hall <james@chzfirm.com>; Jennifer Bailey <jennifer.bailey@eriseip.com>
Subject: RE: [External] Urgent Request for Relief in Tesla v. ChargeLogic - IPR2026-00377, IPR2026-00378, IPR2026-00379, IPR2026-00380, IPR2026-00381 and IPR2026-00382

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Dear Director and Board,

Patent Owner briefly responds to two erroneous arguments Petitioner offers below.

First, Petitioner argues additional briefing is unnecessary because its litigation counsel "had already informed Patent Owner's litigation counsel that the original invalidity contentions were served 'in error.'" But that vague, single sentence was the extent of Petitioner's reference to the alleged error. Ex. 2035. Petitioner provided no information explaining the supposed error or any circumstances surrounding it. *Id.* Petitioner's email below acknowledges that the declaration provides details on "*the circumstances surrounding* service of the original invalidity contentions." Yet, Petitioner did not previously provide any of this information to Patent Owner. As such, the notion that Patent Owner should have responded to or addressed a declaration containing circumstances that Petitioner *had not yet disclosed* is illogical. Moreover, it is indisputable that Petitioner could have disclosed this information *before* Patent Owner filed its authorized reply brief. Instead, Petitioner chose to withhold that information

for its sur-reply while now seeking to prevent Patent Owner from responding to it, similar to how Petitioner opposed Patent Owner's efforts to bring Petitioner's inconsistencies to the Office's attention.

Second, the Office's authorization below stated "[n]o further briefing is authorized *at this time*." When Patent Owner requested leave to file a response to the sur-reply, neither the sur-reply nor the declaration had been filed. Now that they have, good cause exists for three pages of additional briefing to address the new evidence that Petitioner relies upon to try to excuse its inconsistent positions.

Patent Owner thus respectfully requests authorization to file a short three-page brief, including explaining why the declaration is inadequate to remedy Petitioner's violation of precedent established by the Director.

Regards,

Stephen Zinda
Cabello Hall Zinda, PLLC
801 Travis, Suite 1610
Houston, TX 77002
Direct: (832) 631-9994

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From: Jennifer Bailey <jennifer.bailey@eriseip.com>
Sent: Wednesday, October 7, 2026 5:07 PM
To: Stephen Zinda <stephen@chzfirm.com>
Cc: John Watkins <jwatkins@chzfirm.com>; Adam M. Sandwell <Adam.Sandwell@eriseip.com>; Ashraf Fawzy <afawzy@tesla.com>; Erise PTAB List <PTAB@eriseip.com>; Graeme I. Gillespie <Graeme.Gillespie@eriseip.com>; Lydia C. Raw <Lydia.Raw@eriseip.com>; Kevin J. Rongish <Kevin.Rongish@eriseip.com>; Mark C. Lang <Mark.Lang@eriseip.com>; Robin A. Snader <Robin.Snader@eriseip.com>; Jun Zheng <zhengjun@tesla.com>; Angelica P. Dinorcia <Angelina.Dinorcia@eriseip.com>; Virginia A. Brown <Virginia.Brown@eriseip.com>; Darby L. Gilfillan <Darby.Gilfillan@eriseip.com>; James Hall <james@chzfirm.com>; Trials <Trials@uspto.gov>; Director_Discretionary_Decision <Director_Discretionary_Decision@uspto.gov>; Jennifer C. Bailey <Jennifer.Bailey@eriseip.com>
Subject: Re: [External] Urgent Request for Relief in Tesla v. ChargeLogic - IPR2026-00377, IPR2026-00378, IPR2026-00379, IPR2026-00380, IPR2026-00381 and IPR2026-00382

To the Director and the Board:

Petitioner respectfully disagrees with Patent Owner's characterization of the filing of the Rosenthal Declaration (EX. 1096) as a violation of the Director's authorization. Petitioner's September 29 email requested leave to file a responsive brief, including "providing the Director with additional supporting information." Petitioner submitted the Declaration as supporting information directly

responsive to the issue of the circumstances surrounding service of the original invalidity contentions.

Petitioner opposes Patent Owner's request for an additional 3-page brief. Before Patent Owner sent its September 29 email seeking supplemental briefing, Petitioner's litigation counsel had already informed Patent Owner's litigation counsel that the original invalidity contentions were served "in error." Patent Owner therefore had notice of Petitioner's explanation and an opportunity to address it in its supplemental brief filed on October 5. Additionally, Patent Owner requested on September 29 leave for a reply brief to respond, in part, to the "supporting information that Petitioner" identified in its request for a responsive brief, and the Director denied the Patent Owner's request. Another round of briefing is not warranted.

Petitioner respectfully requests that the declaration (EX. 1096) remain in the record and that Patent Owner's request for further briefing be denied.

Sincerely,

Jennifer Bailey
Lead Counsel for Petitioner



Jennifer Bailey

Shareholder

d 913.777.5641

On Oct 7, 2026 at 2:24:46 PM, Stephen Zinda <stephen@chzfirm.com> wrote:

Dear Director and Board,

Pursuant to the Director's authorization below, Petitioner filed sur-replies in each of the above-referenced IPR proceedings today. However, Petitioner violated that authorization by filing a declaration of its litigation counsel (Ex. 1096), which was not authorized by the Director or Board. The only evidence-authorization sought in the email exchange below was authorization for Patent Owner to file Petitioner's invalidity contentions and service emails, which were already in the possession of both parties, and which is all that Patent Owner filed with its supplemental briefing. Petitioner did not provide any notice to Patent Owner of its intent to file new evidence, or reach out to the Director or Board for approval.

Given that the filing of a declaration was not authorized by the Director, Patent Owner requests that it be stricken from the record. The declaration should also be stricken because Patent Owner has no mechanism to seek discovery regarding the assertions made in the declaration, including document discovery or a deposition.

Patent Owner further seeks authorization to file a 3-page responsive brief in each proceeding, as a substantial portion of the arguments in Petitioner's sur-replies relate to the assertions in the declaration and Patent Owner could not have addressed them in its supplemental brief.

Regards,

Stephen Zinda
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From: Director_Discretionary_Decision <Director_Discretionary_Decision@uspto.gov>
Sent: Wednesday, September 30, 2026 10:16 AM
To: Stephen Zinda <stephen@chzfirm.com>; Jennifer Bailey <jennifer.bailey@eriseip.com>
Cc: John Watkins <jwatkins@chzfirm.com>; Adam M. Sandwell <Adam.Sandwell@eriseip.com>; Ashraf Fawzy <afawzy@tesla.com>; Erise PTAB List <PTAB@eriseip.com>; Graeme I. Gillespie <Graeme.Gillespie@eriseip.com>; Lydia C. Raw <Lydia.Raw@eriseip.com>; Kevin J. Rongish <Kevin.Rongish@eriseip.com>; Mark C. Lang <Mark.Lang@eriseip.com>; Robin A. Snader <Robin.Snader@eriseip.com>; Jun Zheng <zhengjun@tesla.com>; Angelica P. Dinorcia <Angelina.Dinorcia@eriseip.com>; Virginia A. Brown <Virginia.Brown@eriseip.com>; Darby L. Gilfillan <Darby.Gilfillan@eriseip.com>; James Hall <james@chzfirm.com>; Director_Discretionary_Decision <Director_Discretionary_Decision@uspto.gov>; Trials <Trials@USPTO.GOV>
Subject: RE: [External] Urgent Request for Relief in Tesla v. ChargeLogic - IPR2026-00377, IPR2026-00378, IPR2026-00379, IPR2026-00380, IPR2026-00381 and IPR2026-00382

Patent Owner is authorized to file a 5-page reply in IPR2026-00377, -00378, -00379, -00380, -00381, and -00382, due no later than Monday, October 5, 2026, limited to addressing the matters raised below. Petitioner is authorized to file a 5-page sur-reply, due no later than Wednesday, October 8, 2026. No further briefing is authorized at this time.

From: Stephen Zinda <stephen@chzfirm.com>
Sent: Tuesday, September 29, 2026 7:06 PM
To: Jennifer Bailey <jennifer.bailey@eriseip.com>
Cc: John Watkins <jwatkins@chzfirm.com>; Adam M. Sandwell <Adam.Sandwell@eriseip.com>; Ashraf Fawzy <afawzy@tesla.com>; Erise PTAB List <PTAB@eriseip.com>; Graeme I. Gillespie <Graeme.Gillespie@eriseip.com>; Lydia C. Raw <Lydia.Raw@eriseip.com>; Kevin J. Rongish <Kevin.Rongish@eriseip.com>; Mark C. Lang <Mark.Lang@eriseip.com>; Robin A. Snader <Robin.Snader@eriseip.com>; Jun Zheng <zhengjun@tesla.com>; Angelica P. Dinorcia <Angelina.Dinorcia@eriseip.com>; Virginia A. Brown <Virginia.Brown@eriseip.com>; Darby L. Gilfillan <Darby.Gilfillan@eriseip.com>; James Hall <james@chzfirm.com>; Director_Discretionary_Decision <Director_Discretionary_Decision@uspto.gov>; Trials <Trials@USPTO.GOV>

Subject: RE: [External] Urgent Request for Relief in Tesla v. ChargeLogic - IPR2026-00377, IPR2026-00378, IPR2026-00379, IPR2026-00380, IPR2026-00381 and IPR2026-00382

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Dear Director and Board,

Patent Owner opposes Petitioner's requests to file a responsive brief, should the Board grant Patent Owner's request. It is Patent Owner's position that Petitioner's inconsistent claim construction positions were required to be explained in the Petition pursuant to *Tesla, Inc. v. Intellectual Ventures II*, which issued nearly a year ago.

To the extent Petitioner is granted leave to file a response, Patent Owner requests leave to file a 3-page reply addressing, *inter alia*, the purported case law and supporting information that Petitioner alludes to.

Regards,

Stephen Zinda
Cabello Hall Zinda, PLLC
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From: Jennifer Bailey <jennifer.bailey@eriseip.com>

Sent: Tuesday, September 29, 2026 4:48 PM

To: Stephen Zinda <stephen@chzfirms.com>

Cc: John Watkins <jwatkins@chzfirms.com>; Adam M. Sandwell <Adam.Sandwell@eriseip.com>; Ashraf Fawzy <afawzy@tesla.com>; Erise PTAB List <PTAB@eriseip.com>; Graeme I. Gillespie <Graeme.Gillespie@eriseip.com>; Lydia C. Raw <Lydia.Raw@eriseip.com>; Kevin J. Rongish <Kevin.Rongish@eriseip.com>; Mark C. Lang <Mark.Lang@eriseip.com>; Robin A. Snader <Robin.Snader@eriseip.com>; Jun Zheng <zhengjun@tesla.com>; Angelica P. Dinorcia <Angelina.Dinorcia@eriseip.com>; Virginia A. Brown <Virginia.Brown@eriseip.com>; Darby L. Gilfillan <Darby.Gilfillan@eriseip.com>; James Hall <james@chzfirms.com>; Director_Discretionary_Decision@USPTO.gov; Trials <trials@uspto.gov>; Jennifer C. Bailey <Jennifer.Bailey@eriseip.com>

Subject: Re: [External] Urgent Request for Relief in Tesla v. ChargeLogic - IPR2026-00377, IPR2026-00378, IPR2026-00379, IPR2026-00380, IPR2026-00381 and IPR2026-00382

To the Director and Board:

Petitioner opposes Patent Owner's request for supplemental briefing. Should the Director grant Patent Owner's request, Petitioner respectfully requests leave to file a responsive brief with commensurate page length and timing. Specifically, Petitioner intends on identifying the supporting case law that renders moot Patent Owner's claim of presenting inconsistent claim constructions between the IPRs and concurrent litigation and providing the Director with additional supporting information.

Sincerely,

Jennifer Bailey
Lead Counsel for Petitioner



Jennifer Bailey

Shareholder

d 913.777.5641

On Sep 29, 2026 at 3:33:56 PM, Stephen Zinda <stephen@chzfirm.com> wrote:

Dear Director and Board,

Patent Owner ChargeLogic LLC respectfully requests leave in IPR2026-00377, -378, -379, -380, -381 and -382 to (1) file Petitioner Tesla's Preliminary and Amended Invalidity Contentions from the parallel litigation (and service emails) as exhibits and (2) file a 5-page supplemental brief addressing Petitioner's inconsistent claim construction positions as between the IPRs and parallel litigation. Given that the Director's decision on discretionary denial could issue at any time, **this is an urgent request for relief.**

Good cause exists for the requested relief. First, in the Invalidity Contentions, Tesla alleges that many terms of the claims being challenged in the IPRs are "indefinite," **including terms that Tesla proposed "plain and ordinary meaning" and express constructions for in the IPR proceedings.** Tesla's inconsistent claim construction positions, and Tesla's failure to even attempt to explain those inconsistencies, directly bear on whether institution should be denied under current Patent Office precedent. *See Tesla, Inc. v. Intellectual Ventures II LLC*, IPR2025-00340, Paper 18 (Dir. Nov. 5, 2025) (denying institution where Tesla alleged plain and ordinary meaning in an IPR but alleged indefiniteness in the parallel litigation). Second, the invalidity contentions were served on ChargeLogic yesterday (9/28) in the parallel litigation, which is the date they were due. Consequently, ChargeLogic is acting very diligently to bring this issue to the Director and Board's attention.

Patent Owner emailed Petitioner at about 11am CT this morning asking if it would oppose Patent Owner's requested relief. Petitioner responded that it would be serving Amended Invalidity Contentions withdrawing the indefiniteness positions and therefore, according to Petitioner, the issue above is "moot." Soon after the response, Petitioner served Amended Invalidity Contentions in the parallel litigation that "withdrew" the

comprehensive indefiniteness positions.

Patent Owner submits that Petitioner is mistaken that the *ex post facto* withdrawal moots the fact that Petitioner took plainly inconsistent positions and never informed the Board or Director, in direct violation of the precedent set forth in *Tesla, Inc. v. Intellectual Ventures II LLC*. This is especially so given that Petitioner proposes express claim constructions in the IPRs that it contends are “indefinite” in the IPRs. Moreover, each of the IPR petitions and Invalidity Contentions were signed by counsel for Telsa, meaning they are positions that are expressly endorsed by Tesla’s counsel.

Regards,

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