

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TESLA, INC.,
Petitioner

v.

CHARGELOGIC LLC,
Patent Owner

Case IPR2026-00382
U.S. Patent 11,909,011

PATENT OWNER'S PRELIMINARY RESPONSE

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EXHIBIT LIST

Exhibit No.	Description
2001	March 26, 2025 USPTO Memorandum on Interim Processes for PTAB Workload Management, available at https://www.uspto.gov/sites/default/files/documents/InterimProcesses-PTABWorkloadMgmt-20250326.pdf (“Process Memorandum”)
2002	March 11, 2026 Squires Memorandum on Additional Discretionary Institution Considerations – U.S. Manufacturing and Small Business Use of AIA Proceedings, available at https://www.uspto.gov/subscription-center/2026/uspto-issues-additional-discretionary-institution-facts (“Small Business Memorandum”)
2003	Excerpts from File History of U.S. Patent Application 18/298,152 (issuing as U.S. Patent No. 12,272,189)
2004	USPTO Reexaminations – FY 2026, Quarter ending 6/30/2026, available at https://www.uspto.gov/sites/default/files/documents/reexamination-op-stats.pdf
2005	Tesla, Inc. Form 10-K for the Year Ending December 31, 2025
2006	Complaint for Patent Infringement and Jury Demand, <i>ChargeLogic LLC v. Tesla, Inc.</i> , C.A. No. 7:26-cv-00100 (W.D. Tex. March 23, 2026)
2007	Shareholder Deck for Q2 2026 Update, Tesla Investor Relations, July 22, 2026, available at https://assets-ir.tesla.com/tesla-contents/IR/TSLA-Q2-2026-Update.pdf
2008	NHTSA Part 583 American Automobile Labeling Act Report for 2026, available at https://www.nhtsa.gov/part-583-american-automobile-labeling-act-reports
2009	CM/ECF Docket Report, <i>ChargeLogic LLC v. Tesla, Inc.</i> , C.A. No. 7:26-cv-00100 (W.D. Tex.) (as of August 23, 2026)

Exhibit No.	Description
2010	Joint Proposed Scheduling Order, <i>ChargeLogic LLC v. Tesla, Inc.</i> , C.A. No. 7:26-cv-00100, Doc. 34-1 (W.D. Tex. Aug. 10, 2026)
2011	U.S. Patent 10,090,567
2012 - 2099	RESERVED
2100	Declaration of Samuel Russ, Ph.D.

I. INTRODUCTION

Petitioner fails to demonstrate a reasonable likelihood that any challenged claim is unpatentable. The entire Petition is infected with hindsight bias. In direct contravention of *KSR* and the Federal Circuit’s guidance, Petitioner brazenly uses the claims as a roadmap to stitch together isolated components of the references on an element-by-element basis, rather than analyzing either the references or the claimed invention as a whole.

None of the asserted references actually disclose or render obvious all the limitations of independent claim 1. Petitioner fails to establish that its mapped controller is actually configured to perform the claimed display functions, relying instead on an unexplained chain of communication through a component that is not part of the vehicle. Petitioner compounds these deficiencies by proposing a combination directly contrary to the teachings of the asserted references. Its proposed combination with Suyama imports remote-display functionality into Kelty-078’s in-vehicle display, disregarding Suyama’s entire inventive purpose.

Because Petitioner has failed to carry its burden of demonstrating obviousness for any challenged claim, the Board should deny institution.

II. LEVEL OF ORDINARY SKILL IN THE ART

Petitioner’s proposed level of ordinary skill requiring experience in unspecified “automotive systems” is too generic. Petition, 2. For example, experience with

transmissions, cooling systems, and other systems unrelated to batteries or battery charging would not contribute to skill in the relevant art. EX 2100 ¶ 44. Petitioner’s specification of “electric vehicle battery charging systems” (Petition, 2) is also too narrow, as it would exclude one having significant experience in electric battery charging systems for use in other applications besides electric vehicles. EX 2100 ¶ 44. Thus, the level of ordinary skill in the art would require only two years of experience with electric battery charging systems, of whatever application. *Id.* Patent Owner agrees that experience or training in this field may offset less formal education and that advanced degrees or education may offset lower levels of industry experience. Here, Patent Owner relies on the testimony of Dr. Samuel Russ, who qualifies as a POSITA under either party’s definition. *Id.* ¶ 45.

III. CLAIM CONSTRUCTION

Petitioner must identify “[h]ow the challenged claim is to be construed.” 37 C.F.R. § 42.104(b)(3). Failure to construe a claim term in controversy, or providing an incorrect claim construction, is grounds for denial. *Jiawei Tech. (HK) Ltd. v. Richmond*, IPR2014-00937, Paper 22 at 7-8 (PTAB Dec. 16, 2014) (noting that “[i]t is Petitioner’s burden to explain how the challenged claims are to be construed and how they read on the prior art” and finding that petitioner failed to meet that burden for an unconstrued claim term); *United Microelectronics Corp. v. Lone Star Silicon Innovations LLC*, Case IPR2017-01513, Paper 8, 16-18 (PTAB Jan. 31, 2018) (reiterating the Board may

decline to institute when patentability challenges depend on an incorrect claim construction). Here, other than for a single term, Petitioner asserts that it merely applies the “ordinary and customary meaning of the claim terms,” without providing any explanation of any such meanings. Petition, 3. The single term Petitioner identifies is “cost of power” appearing in certain dependent claims. *Id.*, 3-4.

Patent Owner does not identify any terms that require construction at this time, because as shown herein Petitioner’s asserted grounds do not render the independent claim (and therefore any dependent claim) unpatentable, based on Petitioner’s analysis. Patent Owner reserves the right to propose a construction of any terms it later identifies as necessary to resolve the dispute should the Board institute trial.

IV. THE ASSERTED PRIOR ART

A. Kelty-078

Kelty-078 addresses the absence of a dedicated communication interface for all-electric vehicles and plug-in hybrid electric vehicles (collectively, “EVs”). The specification acknowledges that existing communication systems for internal combustion engine vehicles—including GPS-based guidance and satellite-based crash notification did not address the unique operational requirements of EVs. EX 1004, 1:16–21.

The patent explains that the prior art lacked functionality in four areas: (1) no EV-dedicated communication interface; (2) no remote-charge control communication

interface; (3) no mechanism for an EV communication interface to notify the user of potential charging problems or conditions that could reduce travel range; (4) no system for a vehicle manufacturer to contact the user regarding battery problems or routine maintenance. *Id.*, 1:28–50. To address these problems, the patent proposes an electric vehicle communication interface and methodology that includes installing a communication device in the EV, establishing a connection from the EV to a network, contacting a user interface device via the network, and controlling and monitoring the battery. *Id.*, 2:23-31.

The disclosed electric vehicle communication interface 10 includes a communication device 14 (a communication chip) using a standard protocol installed within the EV. *Id.*, 3:53–4:4. Chip 14 connects with a first network 16 and then relays communication to a second network 18 (e.g., a manufacturer server or utility company server), the user/driver 20, a utility company, or a manufacturer server 22. *Id.*, 4:4–12. The user 20 communicates with either network or directly with the vehicle via a user interface device 24. *Id.*, 4:16-19. User interface device 24 may be a mobile device, cellphone, PDA, handheld device, computer, or any other device capable of producing email or IM. *Id.*, 4:19-24.

The user interface allows the user 20 to query or monitor the electric vehicle's battery pack and cells 26 for their state of charge (SOC). *Id.*, 5:9-13. This permits the user to determine whether the battery can support a planned trip distance, whether the

battery has been charging, or whether it has reached a user-defined charge level. *Id.*, 5:13-18. The vehicle may notify the user that the battery is fully charged, that a problem occurred during charging, that maximum travel distance has been reduced, or that the vehicle needs immediate servicing. *Id.*, 5:18-26.

The interface enables the user 20 to remotely power on and off the charging of the battery 26 in predetermined cycles and at predetermined times from the user interface device. *Id.*, 5:40-44.

Communication interface 10 also may include an in vehicle display 30 of any type, arranged in any part of the vehicle 12. *Id.*, 6:32-40. The display 30 may be in communication with electric vehicle service equipment module (EVSE) 36, allowing for messages to the user via the display device including service, appointments, or tips to improve mileage and efficiency of the battery. *Id.*, 7:64-8:6. The display may also be in communication with the manufacturer server 22, and the manufacturer may broadcast specific messages to the driver via the display such as servicing requirements. *Id.*, 8:15-17, 8:44-52.

B. Fujita

Fujita explains that electric vehicles require high-voltage, large-capacity batteries for practical operation and long-distance drives. EX 1006, 1:36–41. Unlike gasoline vehicles with ubiquitous fueling infrastructure, Fujita teaches that, at the time, electric power supply stations available for electric vehicles were limited. *Id.*, 1:41–45. Thus,

Fujita provides a battery charging device that enables an electric vehicle to receive supplemental electric power from another vehicle (such as a gasoline-engine vehicle), when the battery capacity is determined to be insufficient for the remaining distance to a specific destination. *Id.*, 1:52-60. That is, Fujita is directed to a system that enables a driver, in an emergency, to charge their electric vehicle from another vehicle so that they are able to get to their destination. *Id.*, Abstract, Fig. 1.

Fujita discloses an electric vehicle 10, controlled by an electronic control unit (ECU) 16, to which a driver 18, input means 20, alarm/display means 22, and electromagnetic switch 24 are connected. *Id.*, 3:9–13. Switch 24 has three terminals, for the battery (30), a connector for high-voltage charging (32), and a DC-DC converter (34) output. *Id.*, 3:18–22.

ECU 16 monitors constantly during navigation whether the residual battery energy (C) is above a predetermined level (step S1). *Id.*, 3:54–58, Figs. 4-5. If the residual amount is below the predetermined level, the ECU instructs the display to show the shortage of battery (step S2). *Id.* The driver sets a desired running distance L to the destination (step S3). *Id.*, 3:58–64, Figs. 4-5. ECU 16 calculates the required energy C_L for the desired distance (step S4). *Id.*, 3:65-4:2. If $C < C_L$, the driver connects to the gasoline engine vehicle battery 14 to begin charging (step S8). *Id.*, 4:5–12, Figs. 4-5. ECU 16 calculates charging efficiency “k” from current, temperature, and residual

amount (step S11). *Id.*, 4:21–26, Figs. 4-5. Charge time t is calculated as $t = (C_L - C)/(k * I)$ and displayed (steps S12–S13). *Id.*, 4:27–34, Figs. 4-5.

Periodically during charging, the residual amount is revised as $C_s = C + k * I * t_s$ (step S15). *Id.*, 4:35–40. When $C_s \geq C_L$, the ECU displays completion and alarms end of charging (steps S16–S17). *Id.*, 4:41–43.

C. Suyama

Suyama addresses the inability of a charging operator to monitor the status of charging of an electric vehicle remotely. The specification explains that a battery of an electric vehicle is charged in a garage or the like during the night, with charging normally taking between seven and ten hours. EX 1007, 1:17-25. Because the prior art only displayed charge status on a dashboard inside the vehicle, the operator could not remotely detect charging disruptions. *Id.*, 1:27-32. The operator must therefore proceed to the garage to confirm charging conditions. *Id.*, 1:33-36.

The object of the invention is to provide a portable display system capable of monitoring the status of the electric vehicle and of charging in detail at a location remote from the electric vehicle being charged. *Id.*, 1:39-45. Suyama discloses an electric vehicle 12 and a portable display card 14. The vehicle 12 includes a charge control circuit 16, a main battery 18 charged by external AC power, a detection circuit 20 comprising a plurality of sensors, a control circuit 22 for determining the state of the EV while charging, a wireless transmitter 24, and a power transmission terminal 25 for

charging the display card's battery. *Id.*, 5:47-65. The display card 14 includes a receiver 26, a display control circuit 28, a display circuit 30, a warning circuit 31, an independent battery 32 serving as a power supply, a power reception terminal 34 plugged into terminal 25, and a charging circuit 36 with a DC/DC converter for charging the independent battery 32. *Id.*, 5:66-6:13. Display circuit 30 includes numerous indicators including a residual-capacity indicator 102, on-charge indicator 104, charge stop indicator 106, and charge-completion expected time indicator 108. *Id.*, 7:43-51.

Control circuit 22 includes a charge-status determining ECU 48 with a residual-capacity determining function and a transmission-signal coding ECU 52. The charge-status determining ECU 48 reads from a battery residual-capacity meter 54, temperature sensor 56, hydrogen sensor 58, leakage sensor 60, charging current sensor 62, charging voltage sensor 64, external power-supply connection sensor 68, power drive unit-contactor connection sensor 70, and charge switch 74. *Id.*, 6:25-7:4. The ECU 48 computes the depth-of-discharge (DOD) of the main battery 18 from the battery residual-capacity meter 54 and compares DOD with the fully-charged capacity D1. *Id.*, 8:58-9:5. When the battery is fully-charged, the battery residual-capacity indicator 102 lights up, the present time is displayed on the charge-completion expected time indicator 108, and the charge stop indicator 106 lights. *Id.*, 9:6-12. When the battery is not fully charged, the indicator 102 is lit corresponding to the computed residual capacity. *Id.*, 9:12-14.

V. Petitioner mixes and matches isolated portions of the asserted references to stitch together sub-combinations directed at individual limitations, rather than the claimed inventions as a whole.

The Petition, in its entirety, suffers from two fatal flaws, both demonstrating that Petitioner's analysis is infected with impermissible hindsight reconstruction. First, Petitioner's combinations and analyses explicitly entail combining various references with a modified base reference (Kelty-078) on an element-by-element basis, supported by a separate analysis of motivation to combine and reasonable expectation of success for each element. This type of analysis has been explicitly rejected because it uses the claims as a roadmap to craft sub-combinations tailored to meeting individual claim elements, rather than treating the claims as a whole. Second, to build its element-by-element sub-combinations, Petitioner isolates and extracts various components from the asserted references, ignoring their overall teachings and what they conveyed to those of skill in the art as a whole. Both *KSR*, and Federal Circuit case law before and after, explain that proper obviousness analysis must focus on the entire claim or invention, and must analyze the prior art references as a whole, versus merely mixing and matching various disclosures to map to the challenged claims.

In *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 418-19 (2007), the Court explained 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. ... This is so because inventions in most, if not all, instances rely upon building blocks

long since uncovered, and claimed discoveries almost of necessity will be combinations of what, in some sense, is already known.” Proper obviousness analysis instead required showing why a POSITA would combine the references “in the way the claimed new invention does”—that is, the claimed invention as a whole. *Id.* The Federal Circuit had previously explained that “[o]ne cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.” *In re Fine*, 837 F.2d 1071, 1075 (Fed. Cir. 1988). Rather, “the decisionmaker must step backward in time and into the shoes worn by a [POSITA] when the invention was unknown and just before it was made ... [and] must then determine whether ... **the claimed invention as a whole** would have been obvious.” *Id.*, 1073-74.¹

In *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132 (Fed. Cir. 1985), the court explained that “[n]ot only must the claimed invention as a whole be evaluated, but **so also must the references as a whole**, so that their teachings are applied in the context of their significance to a technician at the time -- a technician without our knowledge of the solution.” *Feil*, 774 F.2d at 1143. The court condemned the analytical method employed by Petitioner here, where “[t]he claims were used as a frame, and **individual, marked parts of separate prior art references were employed as a mosaic** to recreate a facsimile of the claimed invention.” *Id.* (quoting *W. L. Gore & Assocs., Inc.*

¹ Unless otherwise indicated, all emphasis herein has been added.

v. Garlock, Inc., 721 F.2d 1540, 1552 (Fed. Cir. 1983)).

The Federal Circuit further explained in *GE v. Raytheon Techs. Corp.*, 983 F.3d 1334 (Fed. Cir. 2020) that an approach utilizing a motivation to combine each element of the claim “unduly dissects prior art references into collections of individual elements,” and that both “[t]he claimed invention and an invention in the prior art must both be analyzed as a whole for the same reason: an invention is more than the sum of its individual elements.” *GE*, 983 F.3d at 1352; *see also In re Enhanced Security Research, LLC*, 739 F.3d 1347, 1355 (Fed. Cir. 2014) (explaining the court’s holding in *Panduit Corp. v. Dennison Manufacturing Co.*, 810 F.2d 1561, 1568 (Fed. Cir. 1987) as requiring both challenged claim and asserted references be treated as a whole, and that § 103 does not permit “stitch[ing] together an obviousness finding from discrete portions of prior art references without considering the references as a whole”).

Petitioner’s analysis here runs afoul of both of these prohibitions. Petitioner provides independent motivations to combine and reasonable expectation of success arguments for combinations directed at individual elements, rather than the claims as a whole. In doing so, Petitioner extracts isolated components and systems for combination rather than combinations reflecting the holistic teaching of each reference to a POSITA. *See* Section V. This is impermissible, and if permitted such an approach would lead to wholesale invalidation of inventions which comprise novel combinations of known elements—which comprise most, if not all, inventions—contrary to *KSR*.

VI. GROUND 1 DOES NOT RENDER ANY CHALLENGED CLAIMS UNPATENTABLE

Ground 1 generally asserts the combination of Kelty-078, Fujita, and Suyama against claims 1-4, 6, and 10-12. Petition, 2. For independent claim 1, Petitioner asserts that Kelty-078 alone teaches claim elements 1[pre], 1[a], 1[b], 1[c], 1[d], and 1[g]. *Id.*, 6-22, 40-41. Petitioner asserts that claim 1[e] is taught by Kelty-078-Fujita or Kelty-078-Fujita-Suyama. *Id.*, 22; *but see* Section VI.B.4. below. Petitioner asserts that claim 1[h] is taught by Kelty-078-Fujita. *Id.*, 46. For claim 1[i], Petitioner asserts Kelty-078-Suyama. *Id.*, 47-51.

A. Claim 1[Pre] A system for charging a battery of a vehicle with a vehicular battery charger, the system comprising:

Petitioner asserts that Kelty-078 discloses a system for charging a vehicle battery. Petition, 6-9. While Kelty-078 discloses a specific communication interface for monitoring battery charging, and for control of remote charging, its disclosure only touches on charging with respect to three pre-selected charging modes governing the degree of charge. EX 1004, 6:40-7:21. It does not detail the specifics of charging control related to any of these modes. *See id.* While Petitioner identifies various physical components of Kelty-078 involved in charging (Petition, 7-9), Kelty-078 does not specify how these components are controlled in any charging mode, but merely states that its interface 10 “performs steps” for charging operations at a very high level of generality. EX 1004, Abstract, 3:49-54, Fig. 1.

B. Claim 1[e]: None of the asserted references teach or suggest repeated reception of a signal indicative of a level of charge, and Petitioner’s precise combinations are unclear.

Petitioner asserts that Kelty-078 in combination with Fujita alone, or in combination with Fujita and Suyama, discloses Claim 1[e]. Petition, 22. None of the asserted references actually disclose a controller configured to repeatedly receive a signal indicative of the battery’s level of charge during charging. Further, the Petition does not provide sufficient explanation of its proposed combinations (or even what those combinations are) for a full assessment of their merits. EX 2100 ¶ 52. Because none of the asserted references actually disclose the claim, and because Petitioner fails to provide the required explanation of its positions, Petitioner has failed to carry its burden for institution. *See* 37 C.F.R. § 42.22(a)(2); *Shopkick, Inc. v. Novitaz, Inc.*, IPR2015-00277, IPR2015-00278, Paper 7 at *23 (PTAB May 29, 2015) (denying institution where the petitioner did not “adequately explain the significance of the evidence”).

1. Kelty-078

Petitioner identifies Kelty-078’s teaching that a user “may be capable of querying or monitoring the electric vehicle’s battery pack and cells 26 for its state of charge.” Petition, 22-23 (citing EX 1004, 5:9-15, Fig. 3). Petitioner does not assert that this qualifies as the claimed repeated reception of a signal indicating the level of charge, instead relying on Fujita and/or Suyama for this aspect of the claim. *Id.* (asserting that

Kelty-078 only teaches that the state of charge is “capable of being queried or monitored”); EX 2100 ¶ 53.

2. Fujita

In Fujita, Petitioner identifies ECU 16 as a controller. Petition, 27. Petitioner maps the claimed signal indicating the state of charge of the battery to Fujita’s “DETECT RESIDUAL AMOUNT OF BATTERY C” in Step S5 of Figure 4. *Id.*, 27-28. This step occurs prior to the beginning of charging (step S8). EX 1006, Fig. 4. Fujita’s written description explains for this step that the ECU “calculates a current residual amount C of electric energy of the battery (step S5).” *Id.*, 3:65-68; Petition, 29. Petitioner also identifies the ECU’s constant monitoring during navigation of whether the residual energy of the battery is beyond a predetermined level—that is, Step S1, which also occurs prior to charging. Petition, 29; EX 1006, 3:54-64, Fig. 4 (Step S1). Petitioner asserts that “[b]ecause the ECU (via control circuit) is communicating with the battery 30 and receiving information for calculating a residual charge level (C), Fujita teaches *receive at least one signal indicative of a level of charge of the battery*, namely detecting and calculating the charge level C.” Petition, 30 (italics in original).

There are at least two problems with Petitioner’s analysis here. First, receiving a signal indicative of a level of charge of the battery is more specific than performing a calculation. The plain claim language requires receiving a signal indicative of the level of charge of the battery. Step S5 does not qualify as such a signal, because that step as

described in Fujita’s specification is a calculation— not a “detecti[on],” as Petitioner claims is required. EX 2100 ¶ 56. But even if Step S5 were a signal indicative of a level of charge, neither Step S1 nor Step S5 occurs during charging, which only begins later at Step S8. EX 1006, 4:5-14; Fig. 4. Thus, neither step satisfies Claim 1[e]. EX 2100 ¶ 57.

Petitioner thus further maps the limitation to Fujita’s repeated charge time calculations. Petition, 30-31. Here, Fujita does teach that at the beginning of charging, beginning at Step S9, an initial calculation of charging time is performed. EX 2100 ¶¶ 58-59. Specifically, Fujita explains that its ECU detects the charge current (I) flowing through the battery, and the battery temperature (T_B). EX 1006, 4:15-18; Fig. 4 (S10). The ECU calculates a charging efficiency (k) as a function of I , T_B , and the previously calculated (at S5) residual amount C of the battery’s electric energy. *Id.*, 4:21-26, Fig. 4 (S11). The specifics of this calculation are not detailed because it varies “depending on the kind and other factors of the battery 30 used.” *See id.* The charging time (t) is then calculated as a function of the required amount of energy (C_L) to run a desired distance (L), the residual battery energy C , the charging efficiency k , and the charge current I . *Id.*, 4:27-30. This charge time t is the time remaining until the battery has been charged to at least that level necessary to run the desired distance (C_L). *Id.*, 4:32-34. The charge time is then displayed. *Id.*

Next, Fujita explains that after a specific time lapse (t_s), the values of the charge

current and battery temperature are renewed, and the residual battery energy (C) is revised (to C_s) by performance of another calculation, where the charging efficiency, charging current, and time lapse are multiplied and added to the previous residual energy C. *Id.*, 4:35-40; Fig. 5 (S14-S15). If charging is not completed, the calculations repeat from Step S10. *Id.*, 4:41-49; Figs. 4-5 (S16 returning to S10).

Petitioner asserts that because “at least Step S15 is repeated,” Fujita teaches repeatedly receiving a signal indicative of the charge level of the battery during charging. Petition, 31. Dr. Andrews more precisely explains that Petitioner is mapping the claimed signal indicative of the level of charge of the battery—which he says is detection of the residual amount C—to the ECU’s receipt of “signals and performing calculation steps after charging begins.” EX 1003 ¶ 149.

Fujita does describe repeated calculation of the battery’s level of charge in Step S15. That step is described solely as a calculation of the residual amount C of the battery based on the values of the charge current I, and temperature T_B . EX 1006, 4:35-40; EX 2100 ¶ 62. Fujita does not state that it receives a signal directly containing or indicating the residual capacity of the battery at any step other than S1, which is not repeated. EX 2100 ¶ 62. But, as discussed, even if Step S5 is considered reception of such a signal, this does not occur during charging and the step is not repeated. *Id.* Thus, although Fujita describes repeated **calculation** of the battery’s level of charge in Step S15, it does not disclose repeated reception of **a signal** indicative of the level of charge. *Id.* Thus,

Fujita does not disclose Claim 1[e].

3. Suyama

Apparently recognizing that Fujita does not disclose this limitation, Petitioner also relies on Suyama. Petitioner maps the limitation in Suyama based on its “determining the residual capacity of the main battery 18” from “the signal read or detected from the battery residual capacity meter 54.” Petition, 32 (emphasis omitted) (citing EX 1007, 8:58-9:19, Figs. 6-7). Petitioner asserts that the residual capacity is repeatedly received because Steps S1 through S15 are repeatedly executed, including the “*signal receiving Step S3.*” *Id.* (citing EX 1007, 8:46-51, Fig. 6, Claim 1) (italics in original).

However, like Fujita, Suyama teaches that the referenced “determining the residual capacity of the main battery 18” is actually a computation performed by the charge-status determining ECU 48. EX 1007, 8:4-11, 8:58-63; EX 2100 ¶ 64. While this computation is based on a signal from the battery residual capacity meter 54, the specifics of what this meter is, how it works, precisely what it measures, and what information is in its signal is not detailed in Suyama. EX 2100 ¶ 65. However, Suyama is clear that the remaining capacity of the battery—its level of charge—is calculated. EX 1007, 8:4-11, 8:58-63; *see also id.*, Fig. 7, Step S3-1 (“Compute residual capacity”). It is this “computed residual capacity DOD [depth-of-discharge]” which is displayed via the battery residual-capacity indicator 102 in display circuit 30 of display card 14.

Id., 9:12-15; 8:4-9, 5:66-6:3, 7:43-45; EX 2100 ¶ 65. Thus, even though this calculation may be repeated, it is not the claimed repeated reception of a signal indicative of the battery's state of charge. EX 2100 ¶ 65. Petitioner appears to understand this, as it expressly acknowledges that “[t]he residual capacity is **determined** *during charging of the battery* because the residual capacity **is determined** while ‘under the charge.’” Petition, 32 (italics in original) (citing EX 1007, 5:55-57). Thus, like Fujita, Suyama calculates or determines the level of charge, but this is not the same thing as repeated reception of a signal indicative of the level of charge, and hence does not disclose the claim limitation.

4. Petitioner never explains how the proposed combination(s) actually discloses the limitation.

Petitioner turns immediately from its independent discussions of the three references to a discussion of motivation to combine and reasonable expectation of success. Petition, 34-36. But nowhere to be found is an explanation for how **the proposed combination** actually discloses or possesses the claim limitation, rather than the individual references. As discussed above, none of the individual references do so.

As an initial matter, Petitioner's actual asserted combinations are difficult to determine. EX 2100 ¶ 67. In its identification of the challenge under 37 CFR § 42.104(B), Petitioner asserts a combination of Kelty-078, Fujita, and Suyama is directed to Claim 1. Petition, 2. Of course, this encompasses all of Petitioner's element-

by-element sub-combinations, so it is not clear the three-reference combination is intended to apply to claim 1[e] specifically. For Claim 1[e] itself, Petitioner asserts that the limitation is taught by just Kelty-078 and Fujita, or the full three-way combination of Kelty-078-Fujita-Suyama. *Id.*, 22. However, in setting forth evidence for its motivation to combine, Petitioner asserts only motivations to combine Kelty-078 and Fujita, or Kelty-078 and Suyama, but never provides any analysis or evidence of a motivation to combine all three references. *Id.*, 34; EX 1003 ¶ 153. It is thus unclear exactly what Petitioner is asserting.

Turning to Kelty-078-Fujita, the closest Petitioner gets to explaining the proposed combination is where Petitioner states that the combination entails configuring Kelty-078's VMS to "receive Fujita's residual amount C of the battery." Petition, 27 (citing § V.A.6.e, the "Motivation to Combine" section). But in the referenced motivation to combine section, Petitioner vaguely proposes including "Fujita's ... repeated estimating the level of charge of the battery during charging." Petition, 34-35. Petitioner appears to believe that merely estimating a level of charge via calculation is the same as receiving a signal indicative of the level of charge. *Id.*, 35 (asserting that calculating the level of charge is the same as repeatedly receiving information indicative of the level of charge); EX 2100 ¶ 68. But as discussed above for Fujita, the actual residual amount C is obtained only prior to battery charging, and thereafter, only a calculation (an "estimation") based on battery temperature, current

information, and the prior residual amount is performed. *Id.* Thus, modifying the VMS to receive either the pre-charge residual amount, or the residual amount calculated during charging, would not result in a combination actually disclosing receiving a signal indicative of the level of charge. *Id.*

As discussed, Petitioner never proposes a motivation to combine Kelty-078-Fujita-Suyama; thus, it is unclear exactly what this combination entails. Petitioner does assert a motivation to combine Kelty-078 and Suyama alone, describing the combination in the same vague manner as for Fujita: including the “repeated estimating the level of charging.” Petition, 34-35. This fails for the reasons previously discussed. EX 2100 ¶ 69.

5. Petitioner’s motivations to combine do not support the combination Petitioner actually proposes.

As discussed, Petitioner’s combination (in some manner) imports Fujita and/or Suyama’s estimations or calculations of the level of charge into Kelty-078. Petitioner’s motivation to combine analyses fail to support its proposed combinations (to the extent those can be identified). EX 2100 ¶ 70.

First, Petitioner asserts that a good state of charge calculator provides numerous advantages for EVs. Petition, 35. This does not appear to actually be framed as a motivation to combine, but even if it were, the motivation is illusory given that Kelty-078 already teaches the provision of the actual state of charge, or at least its own

calculation of the state of charge, to the user. EX 1004, 5:9-18 (“[T]he user 20 may be capable of querying or monitoring the electric vehicle’s battery pack and cells 26 for its state of charge (SOC) (step 309).”); Fig. 3 (Step 309, “Determining battery SOC”). Thus, a POSITA would not have been motivated to add a SOC calculator to Kelty-078 because it already expressly possessed either a calculator or an actual measurement of the battery’s state of charge. EX 2100 ¶ 71.

Petitioner next asserts that it would have been desirable for the system “to know during charging when had [sic] reached the pre-set charge level to indicate such to the user,” that a POSITA would have valued “repeated monitoring of the level of charge,” and would “repeatedly monitor[] the vehicle’s battery.” Petition, 35-36. Petitioner’s problem is that the proposed combination(s), which import Fujita and Suyama’s estimations of charge level, would not actually achieve any of these objectives. EX 2100 ¶ 72. The proposed combination would not receive a direct signal indicating when any particular charge level was reached, would not directly monitor the actual level of charge, and would not directly monitor the vehicle’s battery with respect to the level of charge, because it instead only performs estimations or calculations. *Id.* Therefore, these alleged benefits do not provide a motivation to combine. *Id.*

Further, as discussed above, for Kelty-078-Fujita-Suyama, Petitioner completely fails to explain why a POSITA would have had a motivation to combine **both** Fujita’s and Suyama’s teachings with Kelty-078. Although proposing a combination of three

references, Petitioner only provides analysis based on the incorporation of either Fujita or Suyama. Thus, the Petition presents no motivation to combine all three references together; this combination is simply not detailed or addressed at all. EX 2100 ¶ 73.

6. Petitioner's Reasonable Expectation of Success Arguments are Conclusory

Petitioner's reasonable expectation of success arguments do not provide any additional explanation for how the references would be combined to yield a system meeting the claim limitation. EX 2100 ¶ 74. Petitioner merely asserts that modifying Kelty-078 to "repeatedly receive SOC information during charging was a simple programming modification." Petition, 36. Petitioner again fails to explain how the combination would receive the signal indicative of the level of charge in the modified Kelty-078, rather than calculating the level of charge as taught in Fujita and Suyama. EX 2100 ¶ 74. And, because the combination(s) are not detailed, Petitioner's conclusory programming modification assertion is not described, nor supported by any further detail in Dr. Andrews' declaration, which makes the same unsupported assertion. EX 1003 ¶ 157. This assertion does not explain how the combination would receive the signal indicative of the level of charge in the modified Kelty-078, rather than calculating the level of charge as taught in Fujita and Suyama. EX 2100 ¶ 74.

Further, neither Petitioner nor its expert address the significant architectural differences between Kelty-078, Fujita, or Suyama. EX 2100 ¶ 75. Kelty-078 only

discloses on-demand querying of the state of charge, as Petitioner acknowledges. Fujita's repeated calculations of the residual charge are designed for a wired, in-vehicle-only emergency system without any portable wireless controller and only provides an interpolated estimate of the state of charge. *Id.* Similarly, Suyama's cyclical update mechanism was designed for a wireless remote display card, not an in-vehicle display. *Id.* Petitioner does not explain how a POSITA would integrate either into Kelty-078's architecture using an in-vehicle display integrated with its phone-based control system. *Id.* This is necessary because neither Fujita's nor Suyama's repeated calculation of the state of charge was designed for, or contemplated integration with, a system having Kelty-078's wireless portable-controller architecture. EX 2100 ¶ 75.

Further, no attempt is made to reconcile Fujita's method of estimating the charging efficiency parameter "k" and then interpolating with Suyama's method that relies on something it calls a "residual capacity meter," much less bridge the gap between an interpolated value and an estimate of residual capacity on one hand (the prior art) and a signal indicative of a level of charge of a battery on the other hand (the claim limitation). EX 2100 ¶ 76.

For Kelty-078-Fujita-Suyama, Petitioner completely fails to explain why a POSITA would have had a reasonable expectation of success in implementing both Fujita's and Suyama's teachings into Kelty-078, while also maintaining Kelty-078's wireless-communication display functionality. EX 2100 ¶ 77. This is a three-layer

combination, yet Petitioner only analyzes it in a disaggregated, pairwise fashion. The proposed three-way combination is completely unsupported. *Id.*

Petitioner cannot establish claim 1[e] from Kelty-078 alone, and so must borrow the “repeatedly” aspect from references whose architectures are incompatible with Kelty-078’s system design, and must simultaneously argue that a POSITA would have found the combination obvious. Petitioner has not established that the proposed combination would have been obvious, and even if it had, has not established that the combination would actually disclose claim 1[e]. EX 2100 ¶ 78.

C. Claim 1[f]: Petitioner’s motivations to combine fail to support the proposed combination.

Petitioner proposes combining Kelty-078 and Fujita to meet this limitation. Petition, 36-40. The combination cannot satisfy claim 1[f], because the limitation requires that the required estimation of remaining charge time must be based on the signal required by claim 1[e], which is not present in the combination. *See* Section VI.B.

Further, again revealing Petitioner’s use of hindsight in applying isolated disclosures from the prior art, Petitioner’s motivations to combine fail to address Fujita’s entire disclosure and what it suggested to a POSITA. EX 2100 ¶ 80. As discussed, Fujita is directed to a roadside emergency-charge situation where a driver must stop mid-trip to get a boost charge from a gasoline-powered vehicle. EX 1006, 1:52-60, Abstract; Section IV.B. In Fujita, it makes sense to provide the driver—waiting in the vehicle to continue his journey—with a repeatedly updated estimate of the time

remaining to complete the on-going charge. EX 2100 ¶¶ 80-81. But there is no motivation to provide such an estimate on an in-vehicle display in Kelty-078, where the driver is not anxiously standing by. *Id.* Thus, Petitioner’s assertion that doing so in light of changing battery conditions “ensures a driver is alerted with minimal delay” (Petition, 39) is correct for Fujita’s system, but simply makes no sense in Kelty-078 which is addressed to predetermined charging modes in a garage setting. EX 1004, 5:58-6:7, 6:40-7:21, 8:53-65, 9:28-34; EX 2100 ¶ 81.

In addition, Kelty-078 already discloses notifying the remote user that the battery is fully charged and ready for driving, and of any problems occurring during charging. EX 1004, 5:18-26. This disclosure itself addresses all of Petitioner’s asserted motivations to combine. Petition, 38-39; EX 2100 ¶ 82. Thus, there can be no reasonable motivation to add Fujita’s repeated updating of remaining charging time to an in-vehicle display, except a hindsight-driven motivation to meet the claim element. EX 2100 ¶ 82.

D. Claim 1[g]-1[i]: Petitioner fails to establish that its mapped controller controls the display as set forth in the Petition, and its proposed combination with Suyama is completely contrary to Suyama’s disclosure.

For limitations 1[g]-[i], Petitioner relies on Kelty-078 alone (claim 1[g]), a combination between Kelty-078 and Fujita (claim 1[h]), and a separate combination between Kelty-078 and Suyama (claim 1[i]). Petition, 40-52. The combination fails for at least two reasons. First, Petitioner fails to show that Kelty-078’s VMS 32, the mapped

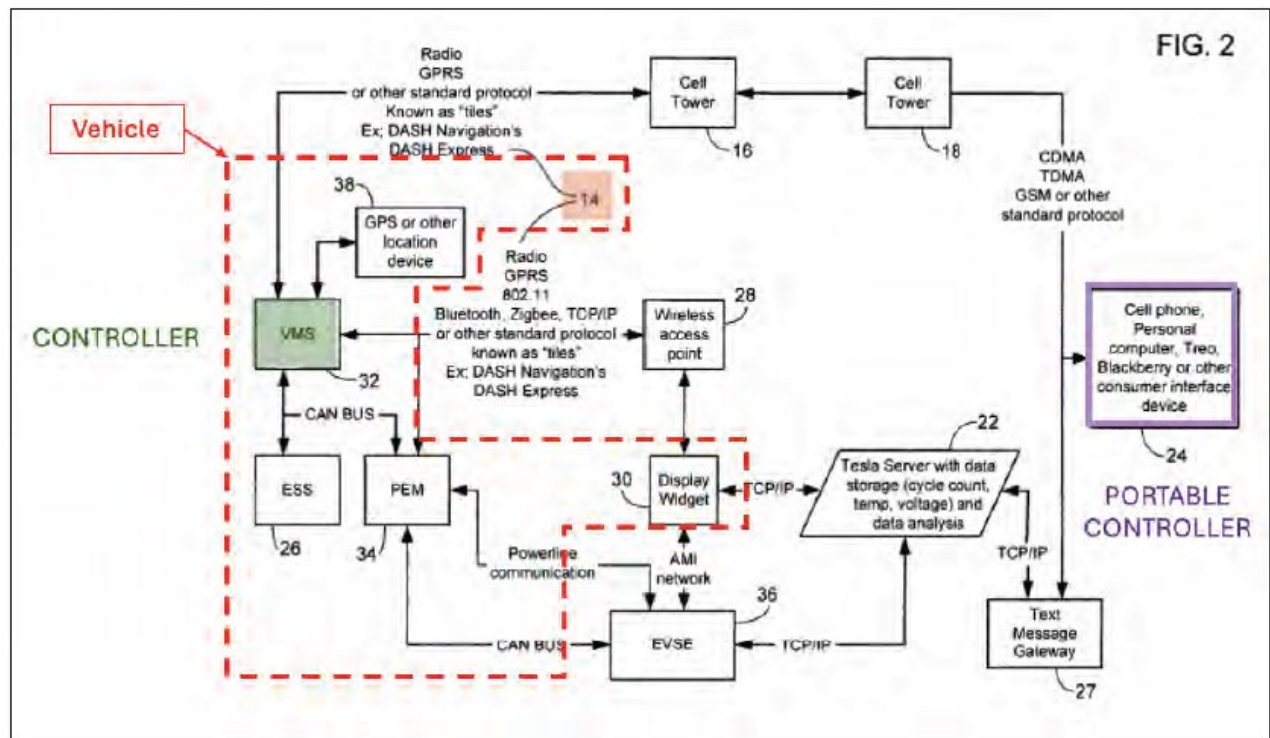
controller, is configured to repeatedly display on the vehicle-mounted display the information required by claims 1[h]-1[i]. EX 2100 ¶ 84. Second, Petitioner’s proposed combination with Suyama entails importing Suyama’s battery residual capacity indicator on a remote display card and adding it to Kelty-078’s in-vehicle display. *Id.* This is a combination no POSITA would have ever made in view of Suyama, because the entire objective of the reference was to provide such information to a user at a location remote from the vehicle. *Id.* The proposed combination is another example of Petitioner’s hindsight reconstruction, stitching together references to meet individual claim limitations.

1. The mapped controller VMS 32 is not configured to perform the claimed functions.

Petitioner asserts that VMS 32 (the claimed controller) “controls display 30 via ‘CAN BUS’ through PEM 34 and [EVSE] 36.” Petition, 41. Based on this, Petitioner asserts that Kelty-078 teaches that VMS 32 is configured to perform the functions of limitations 1[g]-[i]. *Id.*

But the cited passage of Kelty-078 simply does not support Petitioner’s assertion, stating that: “[PEM 34] may also be in communication with an [EVSE] 36 via power line communication, CAN BUS or any other known communication method, which also may be in communication with the display device 30 of the electric vehicle 12.” EX 1004, 7:64-8:2; EX 2100 ¶ 86. At best this establishes that there is communication

via a CAN BUS between PEM 34 and EVSE 36; it does not establish communication between PEM 34 and display 30. EX 2100 ¶ 86. But even if it did, it does not support Petitioner’s conclusion that VMS 32 is itself in control of the display 30 via CAN BUS “through PEM 34 and [EVSE] 36.” Petition, 41. Nor can it, because—as Petitioner admits—EVSE 36 is not even part of the vehicle:



Petition, 11. Because it is not part of the vehicle, EVSE 36 is not within the control of VMS 32, which “is the onboard computer that monitors, controls and coordinates various systems in the electric vehicle” EX 1004, 7:47-49; *see also* Petition, 9-10 (citing this passage and asserting that the VMS is configured to perform the claimed functions as detailed in the claim limitation analyses because it controls the vehicle’s

systems); EX 2100 ¶¶ 87-88.

Kelty-078 only discusses EVSE 36 in two passages, referring to it as “electric vehicle service equipment” and “electric vehicle service equipment module.” EX 1004, 7:63-8:2, 8:15-17. The component is not further described, and its function within Kelty-078 is unclear, other than it serves as a communication node interfacing between the PEM 34 in the vehicle and external components such as the manufacturer’s server 22. *Id.*; EX 2100 ¶ 89. Figure 2 shows that it is in communication with the display via “AMI network.” EX 1004, Fig. 2. Although Kelty-078 does not at any point describe the “AMI network” (nor does Petitioner proffer any explanation), a POSITA might have understood that this refers to an “Advanced Metering Infrastructure” network, which is a utility company’s two-way smart meter communication system linking a charging site to the grid operator. EX 2100 ¶ 89. If that is correct, then there is no reason for the EVSE to pass along PEM messages—the connection from EVSE to display is driven by a utility-company function. *Id.*

Whatever its function, the EVSE is certainly not the controller that Petitioner maps to the remaining claim functions (1[a]-1[f]), VMS 32. EX 2100 ¶ 90. And Petitioner has not shown that VMS 32 controls the display via CAN BUS through PEM 34 and EVSE 36. *Id.* Nor is it even clear how data can plausibly pass from the VMS to the PEM to the EVSE to the display. *Id.* (explaining that the PEM comprises power electronics to supply power to the battery for charging, and the EVSE appears to be

related to the service provider, but that neither would have the purpose of passing along user-interface data from the VMS).

Accordingly, neither Kelty-078, nor the proposed combination (which relies solely on Kelty-078 for claim 1[g]), teaches a controller configured to perform the required functions of the claim. EX 2100 ¶ 91.

2. Petitioner’s motivation to combine with Suyama is fundamentally flawed

Petitioner relies on Suyama to disclose claim 1[i] and asserts that its combination with Kelty-078 was obvious. Petition, 47-52. Petitioner asserts there was a motivation to combine because “[p]roviding the level of charge during charging on an in-vehicle display **allows the user to wait in their car while completing charging and stay repeatedly informed on the time to charge,**” and that “that using visuals (e.g., indicator 102) **in dashboard displays, like display 30, are useful for drivers** to quickly interpret information.” Petition, 51. Neither statement, even if true, supports a combination with Suyama, because they are fundamentally at odds with Suyama’s disclosure. EX 2100 ¶ 92.

Suyama specifically explains that at least one prior art reference disclosed displaying the “state of charging of the battery” on a dashboard panel, but that this required “the charging operator ... to [often] proceed to the garage ... to confirm the conditions of the electric vehicle being charged, thus inconveniencing the charging

operator.” EX 1007, 1:19-36. Suyama’s entire disclosure is therefore directed to providing “a portable display system ... capable of monitoring the status of charging of an electric vehicle and the status of the electric vehicle in detail **at a location remote from the electric vehicle being charged.**” *Id.*, 1:39-45; *see also id.*, Abstract (“Thus, a charging operator can obtain information about the status of the charging vehicle while at a location remote from the electric vehicle.”); 1:8-14 (“Field of the Invention ... The present invention relates to a charge-status display system suitable for use with an electric vehicle ... capable of monitoring the status of charging ... and the status of the electric vehicle **at a location remote from the electric vehicle.**”). Suyama’s entire inventive concept is directed to enabling a driver or charging operator to monitor charge status at a location remote from the electric vehicle. EX 2100 ¶ 93.

Thus, Suyama’s portable display card 14 is removable from the vehicle to a remote location and has its battery 32 precisely so the operator need not remain in or even near the vehicle during charging. *Id.*, 5:66-6:13. All of Suyama’s disclosed functionality—including display of the battery residual capacity on indicator 102—relied on by Petitioner (Petition, 47-50) is directed to providing relevant charging and status information to the remote display card 14. EX 1007, 4:33-37 (Fig. 1 description), 4:45-51 (Figs. 4-5 description), 7:42-51 (display circuit description), 7:55-61 (explaining that operation of display system 10 is described in Figs. 6-21), Fig. 1 (showing display system 10 and display circuit 30); Figs. 4-5 (showing functional

relationships of display card components and describing the configuration of the display circuit in Fig. 1); EX 2100 ¶ 94.

Petitioner, contrary to Suyama, proposes adding a level of charge indicator from Suyama’s **remote display card** to Kelty-078’s **in-vehicle** display 30—a display that, by definition, is viewed only when the user is physically present in the vehicle. EX 2100 ¶ 95. This is the exact opposite of what Suyama teaches. Suyama’s residual-capacity indicator is displayed on a device designed to be carried away from the vehicle, and Suyama’s entire motivation is to eliminate the need for the operator to return to the vehicle to check charge status on an in-vehicle display. *Id.* Adding charging status information to a fixed, in-vehicle display is completely contrary to Suyama’s express purpose. *Id.* A POSITA reading Suyama would be motivated to implement remote monitoring capability—not to add charging status information to a display that can only be viewed from inside the vehicle. EX 2100 ¶ 95.

This fundamental flaw is further compounded by the fact that Kelty-078 already discloses a portable device 24 (e.g., a cell phone) that wirelessly communicates with the vehicle to allow the user to monitor and control charging from a remote location. EX 1004, 4:16-21 (detailing contemplated user interface device 24), 4:58-5:5 (explaining that in Step 307, a user may use their portable device to communicate with the vehicle to “program and send specific instructions to the electric vehicle 12 for controlling and monitoring the battery system” and that such devices may be placed in

“a home or at another location of the user” and the user “may check or change the charge status and settings”), Fig. 3 (detailing step 307 and other related steps for remote control and monitoring of the charging operation). Kelty-078’s portable device 24 thus already satisfies the very purpose that Suyama’s invention addresses—**remote** charge monitoring—without any modification to the **in-vehicle** display 30. EX 2100 ¶ 96. A POSITA seeking to implement Suyama’s teaching of remote level-of-charge monitoring in the context of Kelty-078’s system would have no motivation to modify in-vehicle display 30, because Kelty-078’s existing portable device 24 already provides that remote-monitoring functionality. EX 2100 ¶ 96.

This type of analysis—picking and choosing Suyama’s individual elements to add to Kelty-078, rather than considering it as unified whole—has been expressly condemned. Section V. It likewise fails to consider Kelty-078 as a whole, ignoring that reference’s existing implementation of remote charging control and monitoring, all so that Petitioner can stitch together the claimed combination by importing Suyama’s remote display teachings and Kelty-078’s in-vehicle display. *Id.*; EX 2100 ¶ 97. Petitioner’s entire position is fatally infected with hindsight bias.

Petitioner does not explain why a POSITA in view of Suyama would be motivated, contrary to Suyama, to import Suyama’s entire remote monitoring capability to the in-vehicle display instead of simply replicating it on Kelty-078’s existing portable device 24 which was already configured to control the EV’s battery system. EX 2100 ¶

97. The only reasonable purpose for combining the references as Petitioner asserts is to map to the claim limitations—hindsight reconstruction. EX 2100 ¶ 98.

E. Conclusion as to Claim 1

To summarize, and without limiting the foregoing analysis, none of the references asserted in Ground 1 teach or suggest multiple limitations required by Claim 1, including repeated reception of a signal indicative of a level of charge, or repeated display on the vehicle-mounted display information indicative of the remaining charge time, or the level of charge of the battery. The Petition’s actual proposed combinations are unclear with regard to certain elements. Further, no POSITA would, in view of Suyama’s disclosure, have been motivated to incorporate Suyama’s remote charge display capability on Kelty-078’s in-vehicle display. EX 2100 ¶ 99.

F. Claims 2-4, 6, and 10-12

Petitioner also asserts that Ground 1 renders claims 2-4, 6, and 10-12 obvious. Petition, 52-62. While Petitioner’s analyses for these claims are also flawed, because these claims all depend from claim 1, and because Petitioner’s analysis appears to merely incorporate the claim 1 analysis for the limitations of the challenged dependent claims, Ground 1 fails to render them obvious for the same reasons as for claim 1. EX 2100 ¶ 100.

VII. GROUNDS 2-8 DO NOT RENDER ANY CHALLENGED CLAIM UNPATENTABLE

Petitioner's analysis of Grounds 2-8 are directed at claims 5, 7-9, and 13-20, all of which depend from Claim 1. Petition, 63-94. Petitioner does not propose any different analysis for the limitations of the incorporated independent claim for any of these grounds. *See id.* Indeed, Petitioner does not even incorporate its Ground 1 analysis for these grounds or claims, but only addresses the dependent limitations. *See id.* Further, the Petition does not contend that any of the additional references cited in Grounds 2-8 (Sutardja, Kelty-218, Johnson, Pollack, Hotta, and Hobbs) address the deficiencies identified for Ground 1. *Id.* Therefore, these grounds fail to render any of their challenged claims unpatentable, at least for the same reasons discussed for Ground 1, Claim 1 above. EX 2100 ¶ 101.

VIII. PETITIONER'S VOLUMINOUS, REPETITIVE AND CONCLUSORY "MTC" AND "REOS" ARGUMENTS WARRANT DENIAL.

"[W]here a petition contains voluminous or excessive grounds, Office guidance indicates '[t]he panel will evaluate the challenges and determine whether, in the interests of efficient administration of the Office and integrity of the patent system (*see* 35 USC § 316(b)), the entire petition should be denied under 35 USC § 314(a).'" *Adaptics Ltd. v. Perfect Co.*, IPR2018-01596, Paper 20 at 17-18 (PTAB Mar. 6, 2019) (informative). To avoid this, the *Trial Practice Guide* advises that petitioners should "avoid submitting a repository of all the information that a judge could possibly

consider, and instead focus on concise, well-organized, *easy-to-follow* arguments supported by readily identifiable evidence of record.” *Id.* at 16; Consolidated Trial Practice Guide (Dec. 2025) § II.A.3.

Despite this admonishment, Petitioner proposes eight grounds and **sixteen** different alleged “motivations to combine,” each with a “reasonable expectation of success,” which Petitioner refers to as “MTCs” and “REOS” to skirt the word-count limitations. Pet., ii-v (Table of Contents), 6 n.1. These “MTCs” duplicate essentially the same high-level rationale, and are spaced apart sporadically throughout the Petition, making Petitioner’s obviousness theories anything but “easy-to-follow.” Even worse, Petitioner’s scattershot approach to its obviousness theories significantly prejudices Patent Owner, as it simply will not be plausible for Patent Owner to fully respond to eleven different “MTCs” within the confines of the word-count limitations in its Response, should trial be instituted.

IX. THE PETITION FAILS TO PRESENT A SUFFICIENT NUMBER OF GROUNDS THAT MEET THE INSTITUTION THRESHOLD.

Petitioner fails to carry its burden of institution as to any challenged claim. But even if the threshold for some claims could be met, “instituting a trial with respect to all ... claims based on evidence and arguments directed to [only a subset of challenged claims] is not an efficient use of the Board’s time and resources.” *Chevron Oronite Co.*

LLC v. Infineum USA L.P., IPR2018-00923, Paper 9 at 10-11 (PTAB Nov. 7, 2018) (informative). Institution should be denied.

X. THE PETITION VIOLATES THE WORD COUNT REQUIREMENTS.

Petitioner's Certificate of Word Count states that the Petition "contains 13986 words." Petition, 103. However, Petitioner improperly skirts the word-count system to undercount by at least 653 words by improperly omitting spaces, such as "EX1003-Dec, ¶¶30-32." *See, e.g.*, Petition, 2. This constitutes an improper "effort to circumvent [the Board's] word count limits." *See Life Spine, Inc. v. Globus Medical, Inc.*, IPR2022-01434, Paper 12 at *2 n.1 (PTAB Mar. 2023). Petitioner similarly resorts to an excessive and bizarre abbreviating (e.g., "MTC," "REOS") to artificially reduce the word count. Even if this alone does not justify denial, it is another factor to consider in deciding whether to institute. Indeed, the fact that Petitioner is incapable of demonstrating alleged invalidity using 14,000 words for a single independent claim and 20 total claims is further evidence of the weakness of the validity challenge.

XI. CONCLUSION

Because the Petition fails to show a reasonable likelihood of proving any challenged claim unpatentable, Patent Owner respectfully requests the Board deny institution.

Dated: September 23, 2026

Respectfully submitted,

/James H. Hall/

Registration No. 66,317
Counsel for Patent Owner
ChargeLogic LLC

CERTIFICATE OF COMPLIANCE

The undersigned certifies that this document complies with the type-volume limitations set forth in 37 C.F.R. § 42.24 *et seq.* This document, excluding those portions excluded under § 42.24(a)(1), contains 8,571 words as calculated by the program used in creating it.

/s/ James H. Hall

Counsel for Patent Owner
ChargeLogic LLC

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e)(4), the undersigned certifies that on September 23, 2026, a copy of the foregoing document (*Patent Owner's Preliminary Response*, including all Exhibits), was served via electronic mail on all attorneys of record at the email addresses provided for electronic service listed in Petitioner's mandatory notices, as set forth below:

Jennifer C. Bailey – Lead Counsel

jennifer.bailey@eriseip.com

PTAB@eriseip.com

Adam M. Sandwell – Backup Counsel

Adam.Sandwell@eriseip.com

Darby L. Gilfillan – Backup Counsel

Darby.Gilfillan@eriseip.com

Virginia A. Brown - Backup Counsel

Virginia.Brown@eriseip.com

Graeme I. Gillespie – Backup Counsel

Graeme.Gillespie@eriseip.com

Jun Zheng – Backup Counsel

zhengjun@tesla.com

/s/ James H. Hall