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
AUTHORIZED SUPPLEMENTAL BRIEF[1]

[1] The Director authorized this briefing via email on September 30, 2026. Ex. 3101.

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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, *ChargeLogic LLC v. Tesla, Inc.*, 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, *ChargeLogic LLC v. Tesla, Inc.*, C.A. No. 7:26-cv-00100 (W.D. Tex.) (as of August 23, 2026)

Exhibit No.	Description
2010	Joint Proposed Scheduling Order, *ChargeLogic LLC v. Tesla, Inc.*, C.A. No. 7:26-cv-00100, Doc. 34-1 (W.D. Tex. Aug. 10, 2026)
2011	U.S. Patent 10,090,567
2012 - 2032	RESERVED
2033	Tesla's Sept. 28, 2026 Service Email for Original Invalidity Contentions in *ChargeLogic LLC v. Tesla, Inc.*, C.A. No. 7:26-cv-00100 (W.D. Tex.)
2034	Tesla's Original Invalidity Contentions (Served Sept. 28, 2026) in *ChargeLogic LLC v. Tesla, Inc.*, C.A. No. 7:26-cv-00100 (W.D. Tex.)
2035	Tesla's Sept. 29, 2026 Service Email for Amended Invalidity Contentions in *ChargeLogic LLC v. Tesla, Inc.*, C.A. No. 7:26-cv-00100 (W.D. Tex.)
2036	Tesla's Amended Invalidity Contentions (Served Sept. 29, 2026) in *ChargeLogic LLC v. Tesla, Inc.*, C.A. No. 7:26-cv-00100 (W.D. Tex.)
2037 - 2099	RESERVED
2100	Declaration of Samuel Russ, Ph.D.

I. INTRODUCTION

Over three months after filing its Petition, Tesla advanced ***fifty*** claim constructions in litigation that flatly contradict its IPR positions—including representing that terms it ***expressly construed*** in the Petition are "indefinite." These facts are more egregious than those in prior Director decisions denying institution for inconsistent claim constructions. *See Revvo Techs., Inc. v. Cerebrum Sensor Techs., Inc.*, IPR2025-00632, Paper 20 (Dir. Nov. 3, 2025) (precedential); *Tesla, Inc. v. Intell. Ventures II LLC*, IPR2025-00340, Paper 18 (Dir. Nov. 5, 2025) (informative). Tesla's *post hoc* attempt to "withdraw" these positions cannot avoid denial—such withdrawals are "insufficient" when made "***only after*** Petitioner's actions ran afoul of *Revvo* and *Tesla* and ***only after***" ChargeLogic indicated it would bring "those actions to the Office's attention." *Ford Motor Co. v. AutoConnect Holdings LLC*, IPR2025-01342, Paper 27, 3 (Dir. May 12, 2026).

II. RELEVANT BACKGROUND

On June 18, 2026, Tesla filed petitions challenging the '011 Patent and five related patents. Paper 1 ("Petitions") in IPR2026-00377 to -00382. Tesla proposed "plain and ordinary" meaning for all claim terms except the following. *Id.* at 2–4.

IPR(s)	Term	Tesla's Express Construction
-378, -380	"threshold level of charge" (All Independent Claims)	"a level of charge that is less than the charge level at which charging stops"
-377, -381 -382	"cost of power" (All Independent Claims)	"monetary price of power"

On September 28, after all preliminary responses and discretionary denial

briefs were filed, Tesla served Invalidity Contentions alleging ***50 claim terms*** spanning ***all patents*** are indefinite—including terms Tesla ***expressly construed*** and proposed "ordinary" meaning for in the IPRs—without ever disclosing these inconsistencies to the Office. Ex. 2033; Ex. 2034, 73-76; Petitions, 2–4. The next day, ChargeLogic informed Tesla it would bring the inconsistencies to the Office's attention. Within an hour, Tesla served "Amended" Contentions, claiming the original was served "in error" and "withdraw[ing]" its indefiniteness positions and stating it "will not present" indefiniteness in the litigation. Ex. 2035. The ***only*** difference: all references to indefiniteness and 35 U.S.C. § 112 ¶ 2 were scrubbed. *Compare* Ex. 2034, 2–3 (yellow) *with* Ex. 2036, 2–3 (no yellow).

III. ARGUMENT

A. Denial is warranted under precedent established by the Director.

Tesla advanced claim construction positions in litigation wholly inconsistent with its IPR positions and never disclosed them to the Office. The Office learned of these inconsistencies only because ChargeLogic raised them—Tesla opposed. Ex. 3101. Denial is required under the Director's precedential and informative decisions.

In *Revvo*, the Director vacated institution where a petitioner took inconsistent claim construction positions, holding petitioners must "*at minimum, explain why alternative positions are warranted*." IPR2025-00632, Paper 20, 3–5. Absent such explanation, ***denial "[o]rdinarily" follows***. *Id.* at 5. Remand occurred only because the new precedent clarified "how a petitioner should approach" such situations. *Id.*

Denial is compelled here. First, Tesla never disclosed or explained its inconsistent positions despite *Revvo* being precedential for nearly a year. *See Terumo BCT Inc. v. Haemonetics Corp.*, IPR2025-01374, Paper 20, 3 (Dir. May 12, 2026) (informative) (vacating and denying institution where "Petitioner knew that, consistent with Board precedent, it cannot take different positions on claim construction in the district court and at the Board without an adequate explanation."); *Generac Power Sys., Inc. v. Champion Power Equip., Inc.*, IPR2025-00805, Paper 40, 4–6 (Dir. Feb. 3, 2026). Second, Tesla's conduct is more egregious than in *Revvo* and *Terumo*: Tesla contends terms it ***expressly construed***—plus ***dozens of others***—are "indefinite," not merely a single term asserted as "plain and ordinary meaning."

The *Tesla* decision is directly on point: the Director denied institution where **Tesla** alleged "plain meaning" in an IPR but asserted indefiniteness in litigation, explaining that "[a]llowing a petitioner to advance a claim construction before the Board when that petitioner has made inconsistent indefiniteness arguments in district court fails to further, but instead detracts from, the Office's goal of 'providing greater predictability and certainty in the patent system.'" IPR2025-00340, Paper 18, 4.

Here, Tesla did precisely what the Director told it not to: proposed express and plain-and-ordinary constructions in IPRs while asserting indefiniteness for the same terms in litigation. Denial is especially warranted given Tesla has ***already been sanctioned for identical conduct***, and its ***50*** inconsistencies are especially egregious.

B. Tesla's *post hoc* attempt to "withdraw" cannot avoid denial.

Tesla's belated attempt to "withdraw" fails. First, the Director already rejected this tactic in *Ford*, where the petitioner served post-institution invalidity contentions alleging indefiniteness after proposing "plain and ordinary meaning" in the IPR. IPR2025-01342, Paper 27, 2. The Director held the withdrawal "insufficient" for being made "only ***after*** Petitioner's actions ran afoul of *Revvo* and *Tesla* and only ***after*** Patent Owner brought those actions to the Office's attention." *Id.* at 3. Tesla's timing is identical—it attempted withdrawal only ***after*** violating *Revvo* and *Tesla*, and only ***after*** ChargeLogic informed Tesla it would notify the Office. *See TikTok, Inc. v. Shopsee, Inc.*, IPR2025-01485, Paper 13, 2–3 (Dir. Jan. 16, 2026).

Second, Tesla's claim that it served its original contentions "in error" is implausible. Tesla's contentions contain ***pages of indefiniteness assertions against fifty different terms***, which were certified by counsel. Ex. 2034, 73–76, 87–88. Tesla's ***twelve*** litigation attorneys did not overlook pages of term-specific indefiniteness assertions. *Id.* at 87–88. The amendments confirm Tesla's pretextual excuse: the ***only*** change in the amended contentions was scrubbing the indefiniteness positions—the only "error" was Tesla's failure to heed *Revvo* and *Tesla*.

Third, Tesla bypassed the district court's certification requirement that any amendment "is based on ***material identified after … preliminary contentions***" are served. *See* OGP at 13, n.13, available at https://www.txwd.uscourts.gov/wp-

content/uploads/2023/01/Standing-Order-Governing-Proceedings-Patent-Cases-01232024.pdf. Tesla certified nothing. Reasonably so: its motivation for amendment was avoiding the consequences of *Revvo* and *Tesla*, not any "new material."

Fourth, withdrawal cannot undo that Tesla: (1) took egregiously inconsistent positions, each certified by counsel; and (2) never disclosed or explained them to the Office. *Revvo* requires Tesla to explain inconsistencies ***in the Petition***—it did not.

Fifth, that Tesla attempted withdrawal pre-institution is irrelevant. Tesla did so ***only because ChargeLogic told Tesla it was going to inform the Office of the inconsistent positions***. Crediting this withdrawal would penalize patent owners for raising inconsistencies promptly and encourage patent owners to wait to raise such issues post-institution via rehearing—providing a second bite at the institution "apple." Either way, gamesmanship wins.

To the extent Tesla attempts to rely on *Samsung Elecs. Co. Ltd. v. Wilus Inst. of Standards and Tech. Inc.*, IPR2025–00988, Paper 14 (PTAB Jan. 5, 2026), such reliance would be unavailing. *Samsung* was ***not*** a Director decision. It came ***before*** and ***conflicts with*** the Director's later decisions *Ford Motor, Terumo, Generac*, and *TikTok*. Moreover, the petitioner there did ***not*** allege indefiniteness in invalidity contentions or attorney-signed pleadings. The Board was also incorrect that Samsung did not take inconsistent positions—it plainly did. *Id.* at 3–6. But Director review was not sought to correct the Board's error and hold Samsung accountable.

Dated: October 5, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e)(4), the undersigned certifies that on October 5, 2026, the foregoing document and all exhibits were served via electronic mail at the following e-mail addresses, where Petitioner has previously consented to electronic service:

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