IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

CHARGE FUSION TECHNOLOGIES, LLC, Plaintiff, v. TESLA, INC., Defendant.	)	Civil No. 1:22-CV-00488-RP JURY TRIAL DEMANDED

PLAINTIFF CHARGE FUSION TECHNOLOGIES, LLC'S MOTION FOR LEAVE TO AMEND COMPLAINT

INTRODUCTION

The Amended Complaint proposed by Plaintiff Charge Fusion Technologies, LLC ("Charge Fusion" or "Plaintiff") and attached as Exhibit A, seeks to assert three additional patents: U.S. Patent No. 11,575,275 ("'275 Patent") issued February 7, 2023; U.S. Patent No. 11,563,338 ("'338 Patent") issued January 24, 2023; and U.S. Patent No. 11,990,788 ("'788 Patent") (collectively "Newly Asserted Patents"). The Newly Asserted Patents were all issued after the October 2022 filing of Plaintiff's original complaint. (Dkt. 1). The Newly Asserted Patents were issued over the prior art relied upon by Tesla in the current litigation and the related IPR proceedings The parties chose not to engage in claim construction discovery and although the claim construction briefing was completed days before the stay, the Court has yet to conduct a *Markman* hearing. The Newly Asserted Patents raise few (if any) new claim construction issues and are asserted against the same accused products charged in Plaintiff's Original Complaint.

Charge Fusion's proposed Amended Complaint is timely and will not prejudice defendant Tesla. This case has been stayed since February 2023 during the pendency of the IPR proceedings related to the original three asserted patents – two of which Charge Fusion prevailed before the PTAB and the third of which relates to the '488 patent that is no longer asserted in the Amended Complaint. There is no trial date or discovery deadline and the Amended Complaint states viable causes of action for infringement concerning the same accused Tesla vehicles.

As Tesla cannot establish any bad faith, prejudice or futility stemming from the amendment, the Court should grant Charge Fusion's motion and enter the attached proposed Amended Complaint.

I. BACKGROUND

A. The District Court Proceedings

Plaintiff Charge Fusion filed its Original Complaint in this action in the U.S. District Court for the Western District of Texas on October 15, 2021, alleging infringement of the claims of three United States Patents U.S. Patent Nos. 9,853,488 ("'488 Patent"), United States Patent No. 10,819,135 ("'135 Patent") and United States Patent No. 10,998,753 ("'753 Patent") (collectively "Originally Asserted Patents). The accused products include four Tesla cars: Tesla Model 3; Tesla Model X; Tesla Model Y; and Tesla Model S and any substantially similar Tesla car, such as the Tesla CyberTruck ("Accused Cars").

On January 7, 2022, Telsa filed a Motion to Dismiss Complaint Pursuant to Rule 12(b)(6) for Failure to State a Claim for Indirect Infringement and For Injunctive Relief (Dkt. 28). On January 21, 2023, plaintiff Charge Fusion filed its response in opposition to Tesla's Motion to Dismiss (Dkt. 30). On January 28, 2022 Telsa filed its Reply in support of its Motion to Dismiss (Dkt. 32).[1]

On January 21, 2022, Charge Fusion served its preliminary infringement contentions, and on April 1, 2022, Tesla served its preliminary invalidity contentions and produced technical documents. On February 14, 2022, the Court issued a scheduling order (Dkt. 35), setting July 22, 2022 for the *Markman* hearing and July 24, 2023 for trial.

On May 11, 2022, the case was transferred by agreement from Waco to Austin. Dkt. 39. In accordance with the parties' Joint Motion to Transfer, "all dates set forth in the current Scheduling Order (Dkt. 35) are hereby VACATED."

Shortly after the transfer of this case to Austin, Tesla filed its first of three petitions for *inter partes review* ("IPRs") challenging each of the Originally Asserted Patents. Specifically, on

[1] On January 20, 2023, the Court denied Tesla's Motion to Dismiss Plaintiff's Complaint (Dkt. 63).

July 22, 2022, Tesla filed IPR2022-01217 ("'753 IPR"), which challenged each claim of the '753 patent. Thereafter, on October 21, 2022 Tesla filed two additional IPR's - IPR2023-00062 challenging all claims of the '488 Patent ("'488 IPR") and IPR2023-00063 challenging all claims of the '135 Patent ("'135 IPR").

Although the Court's Scheduling Order (Dkt. 47) allowed for claim construction discovery to be completed by November 30, 2022, the parties agreed that such discovery was not necessary, and none was conducted. Thereafter, on January 9, 2023, in accordance with the Scheduling Order (Dkt. 47), Tesla filed its opening claim construction brief. (Dkt. 61). On January 9, 2023, Charge Fusion filed its responsive claim construction brief (Dkt. 60).

On February 1, 2023, the PTAB instituted review on the first-filed IPR, i.e., the '753 IPR. Two days later, Tesla asked Charge Fusion if plaintiff would agree to a stay of the proceedings regarding all of the Originally Asserted Patents despite the fact that the PTAB had yet to render institution decisions concerning the two later-filed IPR's – the '488 IPR and the '135 IPR.

On February 6, 2023, the parties filed their respective Claim Construction Reply Briefs (Dkts. 66 & 67). On February 8, 2023, Charge Fusion advised Tesla that it opposed the entry of any stay. Charge Fusion further indicated that it wanted to add two new patents, U.S. Patent No. 11,575,275 ("'275 Patent") and U.S. Patent No. 11,563,338 ("'338 Patent"), which were issued on February 7, 2023 and January 24, 2023, respectively.[2]

On February 10, 2023, (Dkt. 68) while claim construction briefing was ongoing, Tesla filed its opposed motion to stay the case pending resolution of three IPR petitions, IPR2022-01217, IPR2023-00062 and IPR2023-00063 (Dkt. 68). On February 2, 2023, after Charge Fusion submitted its brief in opposition to the motion to stay (Dkt. 71), the parties filed a Joint Motion to

[2] Those two patents are now part of the proposed Amended Complaint along with a third patent which was issued on May 21, 2024.

Stay. (Dkt. 72). In response to the Joint Motion to Stay, this Court ordered the action stayed pending Tesla's petitions for Inter Partes Review (Dkt. 73). The case has been stayed since that time and on May 11, 2023, the PTAB instituted IPR's on the two remaining petitions.

B. Tesla Failed to Prevail in Two of its Three IPR Petitions

On January 17, 2024, the PTAB issued a Final Written Decision on institution upholding all challenged claims of the '753 Patent and finding that Tesla had not proven that the claims were unpatentable. On March 19, 2024, Tesla filed a timely Notice of Appeal of the PTAB Final Written Decision concerning the '753 Patent to the United States Court of Appeals for the Federal Circuit ("CAFC").

On April 16, 2024 the PTAB issued its Final Written Decision in IPR2023-00062 regarding the '488 Patent and held that challenged claims 1-15 of the '488 Patent were proven unpatentable. Charge Fusion has not appealed that decision to the CAFC. In addition, the '488 Patent is not included in the proposed Amended Complaint.

On May 2, 2024, the PTAB issued its Final Written Decision in IPR2023-00063, the '135 IPR. In its decision, the PTAB upheld all challenged claims of the '135 Patent and found that Tesla had failed to prove those claims were unpatentable.

II. JUSTICE REQUIRES THAT CHARGE FUSION'S MOTION FOR LEAVE BE GRANTED

A. Amendments Are to be Liberally Allowed and Charge Fusion Acted Without Delay

Federal Rule of Civil Procedure 15(a) states that "[t]he court should freely give leave [to amend] when justice so requires." Under Rule 15, the Court "should freely give leave [to amend] when justice so requires." Fed. R. Civ. P. 15(a)(2). Rule 15 thus "evinces a bias in favor of granting leave to amend, and a district court must possess a substantial reason to deny a request." *SGIC Strategic Glob. Inv. Capital, Inc. v. Burger King Europe GmbH*, 839 F.3d 422, 428 (5th Cir. 2016)

(internal quotation marks omitted). In deciding a motion to amend, the Court considers five factors: (1) undue delay; (2) bad faith or dilatory motive; (3) repeated failure to cure deficiencies by previous amendments; (4) undue prejudice to the opposing party; and (5) futility of the amendment. *See Froman v. Davis*, 371 U.S. 178, 182 (1962). All five factors support granting Charge Fusion leave to amend here.

Charge Fusion seeks leave to amend its complaint – for the first time – to add the Newly Asserted Patents to this action after the issuance of PTAB's Final Written Decisions concerning patentability for the Originally Asserted Patents. In addition to the Newly Asserted Patents, Charge Fusion continues to assert the '135 and '753 Patents – both of which were upheld over Tesla's IPR challenges. The case is currently stayed and no claim construction hearing has occurred.

Moreover, the addition of the Newly Asserted Patents will avoid the unnecessary duplication of Charge Fusion filing another patent infringement case against Tesla, which would result in multiple cases concerning the same patent family asserted against the same accused products. Thus, by allowing the addition of the Newly Asserted Patents alongside the Originally Asserted Patents, the Court will avoid the need for multiple trials and streamline the underlying claim construction, invalidity and infringement arguments.

Tesla cannot demonstrate any "bad faith or dilatory motive" especially when Charge Fusion previously agreed to a stay pending the Final Written Decisions of the IPRs. *Froman*, 371 U.S. at 182. This motion is both prompt and timely, and Charge Fusion seeks amendment prior to any substantive discovery or related motion practice. Moreover, because the newly issued patents are ""substantially similar to the patents contained in the original complaint, it would be economically beneficial to the parties to resolve all the issues in a single proceeding." *TruePosition,*

Inc. v. Allen Telecom, Inc., No. CIV.A.01-823 GMS, 2002 WL 1558531, at *2 (D. Del. July 16, 2002).

B. Tesla Will Not Be Prejudiced By Charge Fusion's Amendment

Tesla will not suffer any prejudice from the addition of the Newly Asserted Patents to this action. "[U]undue prejudice is a lofty threshold . . . . [that] requires more than a likelihood of incurring additional expense and delay." *Zirnis v. Huntsville City Bd. of Educ.*, No. 5:18-CV-01673-AKK, 2019 WL 2501956, at *2 (N.D. Ala. June 17, 2019) (granting a motion for leave to amend the pleadings that added counterclaims and was filed four months before the close of discovery). The case has been pending for some time. Discovery has not started as it is stayed until after the Markman Hearing. Dkt. 37 at 3. Therefore, Tesla will have ample time to adequately respond to allegations of infringement based on the [newly issued] patent[s]." *Tendler Cellular of Texas, LLC v. Mercedes-Benz USA, LLC*, Civil Action No. 6:11-CV-178, 2012 WL 12905979, at *1 (E.D. Tex. Apr. 3, 2012). There are no circumstances present here sufficient to support a finding of undue prejudice that would prevent amendment. To the extent Tesla argues that it is prejudiced based on the minimal delay caused by "the need to conduct additional discovery and patent analysis," courts have rejected that argument as "completely unavailing." *See Ziptronix, Inc. v. Omnivision Techs., Inc.*, No. C 10-05525 SBA, 2012 WL 3155554, at *3-4 (N.D. Cal. Aug. 2, 2012). Also, discovery in this action had not started and is stayed until after the Markman hearing.

As in *Est. of Murphree*, Charge Fusion's Proposed Amended Complaint drops one patent and adds three additional patents, all of which have the same specification; stem from the original application; and all of which were issued by the USPTO over all of the art of record asserted by Tesla in the IPR's. Although over 2 ½ years old, because of the stay, this case is at much earlier stage than when leave was granted in other cases. *See Leo as Tr. for Est. of Murphree v. Alfa Mut.*

Ins. Co., No. 1:13-CV-1826-VEH, 2015 WL 13859434, at *20 (N.D. Ala. June 25, 2015) (allowing an amended complaint filed the day before expert disclosures were due where the plaintiff sought "merely to add 'detail and specificity . . . to [p]laintiff's previously asserted causes of action'").

Given the similarity of the Newly Asserted Patents and the accused products, coupled with the fact that the case is still in its early stages, Tesla will not be prejudiced by Charge Fusion's Proposed Amended Complaint. This factor weighs in favor of granting leave.

C. Charge Fusion's Proposed Amendment is Motivated by Efficiency and There Has Been No Undue Delay in Seeking It

This case has been stayed since February 2023. As such, Charge Fusion was not in a position to move to amend its complaint. The last of the PTAB Final Written Decisions issued on May 2, 2024 – a little over a month ago. Further, because all deadlines were previously VACATED (Dkt. 35), there is no deadline for amended pleadings. As such, Charge Fusion's motion is timely and not a product of "undue delay." Accordingly, this factor weighs in favor of granting Charge Fusion's motion for leave.

D. Charge Fusion's Amendment Would Not Be Futile

Charge Fusion's Proposed Amended Complaint sufficiently pleads its claims against Tesla. See Ex. A. That is, the Proposed Amended Complaint sets forth detailed allegations regarding at least one Telsa car, the Model Y. These allegations are consistent with the infringement contentions served on Tesla in January 2023. "[L]eave to amend should be denied on the ground of futility only if the proposed amendment is clearly insufficient or frivolous on its face" *ZP No. 314, LLC v. ILM Cap., LLC*, No. CV 16-00521-B, 2017 WL 11444383, at *2 (S.D. Ala. Mar. 30, 2017) (internal alternations and quotations omitted).

The changes made by the Proposed Amended Complaint remove one patent (the '488 Patent) and add three additional related patents that recently issued. The straight-forward and

clearly delineated nature of Charge Fusion's claims compel a finding that Charge Fusion's proposed complaint would not be futile. *See, e.g.*, *ZP No. 314*, 2017 WL 11444383, at *2 (holding amendment would not be futile because the relevant claim "appear[ed] to require a complex factual inquiry" and collecting cases holding the same where complex factual inquiries or arguments were involved). Patent infringement claims are a quintessential example of complex litigation, and the Court itself has previously acknowledged "the complex nature of this case." Dkt. 97.

Charge Fusion's Proposed Amended Complaint is consistent with the earlier infringement theories asserted against Telsa and, more importantly, the Newly Asserted Patents were issued by the USPTO over the art cited by Tesla during the IPR's. Thus, there is no reason to believe that Charge Fusion's proposed complaint would be futile, especially considering the similar technology and number of patents involved. Charge Fusion's motion for leave should be granted.[3]

III. In the Alternative, Amendment is allowed via Supplementation under FRCP 15(d)

Finally, and in the alternative, Charge Fusion should be allowed to supplement its Complaint under Federal Rule of Civil Procedure 15(d). Rule 15(d) provides that the Court may "permit a party to serve a supplemental pleading setting out any transaction, occurrence, or event that happened after the date of the pleading to be supplemented." Fed. R. Civ. P. 15(d). Supplemental pleadings under Rule 15(d) "are generally favored because they promote judicial economy and convenience by permitting courts to dispose of related claims and issues in one matter." *Ziptronix*, 2012 WL 3155554, at *3. Tesla's infringement of the Newly Asserted Patents postdates Charge Fusion's original pleading and may properly be added as a Rule 15(d)

[3] Although bad faith is another factor that might justify denying leave to amend, that factor typically considers a potential dilatory motive relative to "the timing and circumstances of the motion [for leave to amend]" and the movant's proffered reason for amending. *See Federated Ins. Co. v. Avans Mach. & Tool*, No. CV-08-S-0770-NE, 2009 WL 10688466, at *3 (N.D. Ala. Oct. 13, 2009). Here, however, there is simply no indication that Charge Fusion seeks leave to amend for the purposes of delay or any other improper motive.

supplemental pleading. Motions under Rule 15(d), moreover, are governed by the same legal standard as Rule 15(a). *See Lewis v. Knutson*, 699 F.2d 230, 239 (5th Cir. 1983). As established above, Tesla cannot establish any undue delay, bad faith, prejudice, or futility in this amendment. On the contrary, Charge Fusion has diligently and in good faith sought the addition of the Newly Asserted Patents to this action.

IV. CONCLUSION

WHEREFORE, Plaintiff Charge Fusion respectfully requests its Motion for Leave to File an Amended Complaint be granted.

Dated: June 5, 2024

Respectfully submitted,

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ATTORNEYS FOR PLAINTIFF CHARGE FUSION TECHNOLOGIES

CERTIFICATE OF CONFERENCE

The undersigned certifies that counsel Charge Fusion Technologies conferred telephonically with counsel for Tesla on May 29, 2024, regarding the relief sought in this motion. Defendant opposes the motion.

/s/ Bradley D. Liddle
Bradley D. Liddle

CERTIFICATE OF SERVICE

The undersigned certifies that on June 5, 2024, a true and correct copy of the foregoing instrument was electronically filed with the Clerk of the Court by using the CM/ECF system, which shall send notification of such filing to all counsel of record at their email addresses on file with the Court.

/s/ Bradley D. Liddle
Bradley D. Liddle

EXHIBIT A

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

CHARGE FUSION TECHNOLOGIES, LLC Plaintiff, v. TESLA, INC., Defendant.	§ § § § § § § § § §	Case No. 1:22-CV-00488-RP **JURY TRIAL DEMANDED**

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Charge Fusion Technologies, LLC ("Charge Fusion" or "Plaintiff"), by and through its attorneys, for its Amended Complaint for patent infringement against Tesla, Incorporated ("Tesla" or "Defendant"), and demanding trial by jury, hereby alleges, on information and belief with regard to the Defendant's actions and on knowledge with regard to its own actions, as follows:

I. NATURE OF THE ACTION

1. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 271, *et seq*., to enjoin and obtain damages resulting from Defendant's unauthorized use, sale, and offer to sell in the United States, of products, methods, processes, services and/or systems that infringe Plaintiff's United States patents, as described herein.

2. Defendant manufactures, provides, uses, sells, offers for sale, imports, or distribute infringing products and services, and encourages others to use its products and services in an infringing manner, as set forth herein.

3. Plaintiff seeks past and future damages, injunctive relief, and prejudgment and post-judgment interest for Defendant's infringement of the Asserted Patents, as defined below.

II. PARTIES

4. Plaintiff Charge Fusion is a limited liability company organized and existing under the law of the State of Connecticut with its principal place of business located at 54 Danbury Road, Suite 302, Ridgefield, Connecticut 06877.

5. Charge Fusion is the owner of the entire right, title, and interest of the Asserted Patents, as defined below.

6. On information and belief, Tesla Incorporated is a corporation organized under the laws of the State of Delaware, having a principal place of business at 3500 Deer Creek Road, Palo Alto, California 94304. Tesla may do business with the fictitious name Tesla Motors, Inc. all of which are referred to herein as "Tesla." Tesla can be served with process through its registered agent in the State of Texas, CT Corporation, 1999 Bryan Street, Suite 900, Dallas, Texas 75201-3136.

III. JURISDICTION AND VENUE

7. This is an action for patent infringement that arises under the patent laws of the United States, in particular, 35 U.S.C. §§ 271 *et.seq*.

8. This Court has exclusive jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a).

9. This Court has personal jurisdiction over Tesla in this action because Tesla has committed acts within the Western District of Texas giving rise to this

action and has established minimum contacts with this forum such that the exercise of jurisdiction over Tesla would not offend traditional notions of fair play and substantial justice. Tesla, directly or through subsidiaries or intermediaries (including distributors, retailers, and others), has committed and continues to commit acts of infringement in this District by, among other things, offering to sell and selling products and services that infringe the claims of the patents-in-suit. Moreover, Tesla actively directs its activities to customers located in the State of Texas.

10. Venue is proper in this District under 28 U.S.C. §§ 1391(b)-(d) and 1400(b) in the Tesla has transacted business in the Western District of Texas and has committed acts of direct and indirect infringement in the Western District of Texas. Tesla is registered to do business in the State of Texas, has offices in the State of Texas, and upon information and belief, has transacted business in the Western District of Texas and has committed acts of direct and indirect infringement in the Western District of Texas. For example, Tesla admits to creating its Model Y car at its Gigabit Factory located in the Western District of Texas. https://www.sec.gov/Archives/edgar/data/1318605/000156459021004599/tsla-10k_20201231.htm at 32. Tesla maintains a regular and established place of business in the Western District of Texas, including the construction of a manufacturing facility on U.S. Route 79, located between the towns of Hutto and Taylor. Tesla also announced that it is moving its U.S. Headquarters to Austin, TX. https://www.reuters.com/business/autos-transportation/tesla-moving-headquarters-austin-texas-says-ceo-musk-2021-10-07/.

IV. FACTS COMMON TO ALL COUNTS

11. Charge Fusion adopts and incorporates the allegations of Paragraphs 1-10 above as if fully set forth herein.

12. In 2008, Jeffrey Ambroziak and Carson Fincham set about to design and develop systems, methods and devices geared to improving the utility and efficiency of the then-fledgling electric car industry. Many of their inventions were directed to control systems for enabling robust car charging encompassing both the cars and the charging stations.

13. At the time, electric cars were a novelty and there existed little or no methodology or infrastructure to make the industry viable – certainly not on a widespread basis – there was simply insufficient charging availability and no managed charging systems.

14. And so was born Charge Fusion Technologies, LLC. Mr. Ambroziak and Mr. Fincham formed Charge Fusion to design, develop, market, sell and generally commercialize inventions in the electric car industry that were conceived by them.

15. Mr. Ambroziak and Mr. Fincham recognized the prior art shortcomings in that most of the charging systems were designed to work like gas-filling where you go to a station and wait. Some companies looked at battery replacement. But none of the existing solutions really addressed the specific operation of electric charging which is both much slower but also more widely accessible and flexible (i.e. scheduled charging). So, Mr. Ambroziak and Mr. Fincham conceived and developed customized novel and ground-breaking solutions.

16. At the time of their invention, they were very much out in front in that there were no cars or charging stations in existence with the communication capabilities required to enable the envisioned functionality. Recognizing the importance of their novel and ground-breaking, they filed patent applications to cover their novel technology.

17. As Charge Fusion continued to develop technology and seek patent protection, they also sought to partner with an automotive manufacturer to produce electric cars exhibiting, for example, robust charging capabilities including scheduling, contactless charging, etc.

18. Alternatively, they sought the capital needed to create a business which would work with and serve the infant electric car industry.

19. Lacking an issued patent, Charge Fusion met with substantial challenges in their efforts to acquire the capital needed to build a business around their technology.

20. As with many inventions that represent a paradigm shift in conventional thinking, and given the novelty of their conceptions and inventions, and despite their diligent efforts, the United States Patent and Trademark Office ("USPTO") heavily scrutinized Charge Fusion's inventions and it took almost a decade to issue Charge Fusion its first patent.

21. The application that ultimately resulted in Charge Fusions Asserted Patents was first published on January 21, 2010 (US 2010/0017249 A1). Since that

time Charge Fusions published applications and patents have been cited over 300 times.

22. In connection with almost 100 third party pending car and charge station patent applications, Charge Fusion's patents and applications have resulted in rejections pursuant to 35 U.S.C. §§ 102 & 103.

23. Tesla has been on notice of Charge Fusion's rights since at least December 26, 2017. On January 29, 2009, Kurt Russell Kelty and Scott Ira Kohn filed Patent Application 12/322,317 ("the '317 Application"). Kurt Kelly led the battery team for Tesla for 11 years, including at the time of filing this application. https://twitter.com/kurtkelty?lang=en. Scott Kohn worked at Tesla in 2009 and still works at Tesla to this day at the role of "Senior Director, Cell Development & Abuse Testing and Engineering. In or about February 2009, Mr. Kelty and Mr. Kohn assigned this application to Tesla. On or about January 25, 2010, Tesla utilized the '317 Application in connection with a security agreement.

24. On June 24, 2011, in a non-final rejection Office Action, the USPTO rejected the '317 Application, stating that US2010/0017249 by Fincham ("Fincham") anticipated every claim element of original Claims 1-7. Original claims 8-15, 18, 20-23 of Tesla's 317 Application were rendered obvious by Fincham in view of "Blewitt." On July 11, 2011, after analyzing the Fincham patent asserted in this case, Tesla amended its claims to the '317 Application to overcome the Fincham Application. On November 8, 2011, the '317 Application issued as U.S. Patent 8,054,038. On January 18, 2012, Tesla continued to leverage the issued '038 Patent, using it as a security.

On August 19, 2020, Tesla Motors Inc, recorded the assignment, which assigned the rights to the '038 Patent to Tesla, Inc. This assignment was executed on February 1, 2017.

IV. COUNTS OF PATENT INFRINGEMENT

25. Charge Fusion alleges that Tesla has infringed and continues to infringe the following United States patents (collectively, the "Asserted Patents"):

United States Patent No. 10,819,135 (the "'135 Patent") (Exhibit A)
United States Patent No. 10,998,753 (the "'753 Patent") (Exhibit B)
United States Patent No. 11,563,338 (the "'338 Patent") (Exhibit C)
United States Patent No. 11,631,987 (the "'987 Patent") (Exhibit D)
United States Patent No. 11,990,788 (the "'788 Patent") (Exhibit E)

COUNT ONE
INFRINGEMENT OF U.S. PATENT 10,819,135

26. Plaintiff incorporates by reference the allegations in preceding paragraphs as if fully set forth herein.

27. The '135 Patent, entitled "SYSTEM AND METHODS FOR CHARGING ELECTRIC VEHICLES UTILIZING A TOUCH-SENSATIVE INTERFACE" was filed on December 20, 2017, and claims priority to a provisional application filed on July 11, 2008, and issued on October 27, 2020.

28. Plaintiff Charge Fusion is the assignee and owner of all rights, title, and interest to the '135 Patent, including the right to recover for past infringements, and has the legal right to enforce the patent, sue for infringement, and seek equitable relief and damages.

Technical Description

29. The '135 Patent discloses and claims "[s]ystems and methods for charging electric vehicles and for quantitative and qualitative load balancing of electrical demand[.]" '135 Patent, abstract.

30. More specifically, the '135 Patent claims systems and methods including a mode of operation for determining and maintaining an interior temperature of an electric vehicle suitable for a pet located in the vehicle. *See e.g.,* '135 Patent, 29:37-40.

Direct Infringement

31. Tesla, individually and collectively as various common business enterprises and without authorization or license from Plaintiff, has been and is directly infringing the '135 Patent, either literally or equivalently, as infringement is defined by 35 U.S.C. § 271, including through making, using, importing, selling, and offering for sale electric cars and charging stations that infringe one of more claims of the '135 Patent. Defendant, individually and collectively as various business enterprises, develops, designs, manufactures, sells, and distributes electric cars and charging stations that infringe one or more claims of the '135 Patent. Defendant further provides services, including, but not limited to, charging services and charging stations that practice methods that infringe one or more claims of the '135 Patent. Defendants are thus liable for direct infringement pursuant to 35 U.S.C. § 271. Exemplary infringing products include, but are not limited to, Tesla cars such as the Model 3, Model S, Model X, Model Y and Roadster both alone and in conjunction with associated charging stations ("Accused Tesla Cars").

32. Plaintiff Charge Fusion names these exemplary infringing instrumentalities to serve as notice of Tesla's infringing acts, but Plaintiff reserves the right to name additional infringing products, known to or learned by Plaintiff or revealed during discovery, and include them in the definition of '135 Accused Products.

33. Tesla is liable for direct infringement pursuant to 35 U.S.C. § 271 for the manufacture, sale, offer for sale, importation, or distribution of the Tesla Accused Cars either alone, or in conjunction with associated charging stations.

34. As a result of Tesla's infringement, Charge Fusion has suffered monetary damages, and is entitled to an award of damages adequate to compensate it for such infringement which, by law, can be no less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 US.C. § 284.

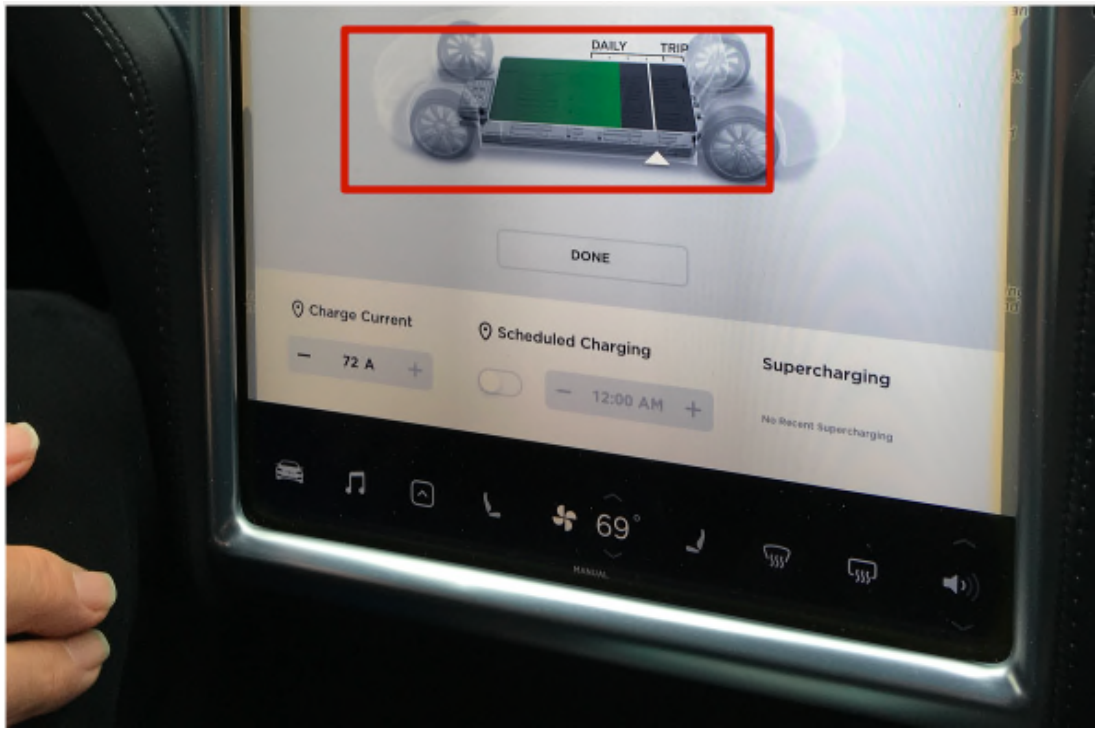
35. The Accused Tesla Cars meet all limitations of at least Claim 1 of the '135 Patent, either literally or equivalently.

36. The Accused Tesla Cars include a non-transitory computer readable storage medium storing instructions that, when executed by a processor.

37. The Accused Tesla Cars include a non-transitory computer readable storage medium storing instructions that, when executed by a processor, cause the processor to retrieve from a memory storage device one or more electric charge parameters describing one or more electric charge parameters of an electric vehicle.

38. The Accused Tesla Cars include a non-transitory computer readable storage medium storing instructions that, when executed by a processor, cause the

processor to display via a user interface of a mobile device at least one of the one or more electric charge parameters wherein the user interface is adapted to display the one or more electric charge parameters as 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:



"Adjust the charge limit by touching Set Limit, and drag the arrow to move the charge limit setting. The setting you choose applies to immediate and scheduled charging sessions."

Fig. 32:

https://www.tesla.com/sites/default/files/model_3_owners_manual_north_america_en.pdf at 183.

39. The Accused Tesla Cars include a non-transitory computer readable storage medium storing instructions that, when executed by a processor, cause the processor to receive an amount of charge specified by the slider; commence charging of the electric vehicle in accordance with the received amount of charge:

"Adjust the charge limit by touching Set Limit, and drag the arrow to move the charge limit setting. The setting you choose applies to immediate and scheduled charging sessions."

Fig. 33:

https://www.tesla.com/sites/default/files/model_3_owners_manual_north_america_en.pdf at 183.

40. The Accused Tesla Cars include a non-transitory computer readable storage medium storing instructions that, when executed by a processor, cause the processor to display via the user interface a visual indicia for selecting a mode of

operation of the electric vehicle the selected mode of operation operating to determine and maintain an interior temperature of the electric vehicle suitable for a pet located within the electric vehicle:

"Dog mode keeps your pet comfortable while also displaying the current cabin temperature on the touchscreen so people nearby are informed that your pet does not need to be rescued.... To operate Keep Climate On, Dog Mode, or Camp Mode: 1. Engage the Park gear. The Keep Climate On, Dog, and Camp settings are available only when Model 3 is in Park. 2. If necessary, adjust the climate settings. 3. Touch the fan icon then touch Keep Climate On, Dog, or Camp."

Fig. 34:

https://www.tesla.com/sites/default/files/model_3_owners_manual_north_america_en.pdf

Fig. 35: https://www.youtube.com/watch?v=tAxqDp2jA5M at 4:22

41. The Accused Tesla Cars include a non-transitory computer readable storage medium storing instructions that, when executed by a processor, cause the processor to receive an indication of an activation of the selected mode of operation of the electric vehicle:

Fig. 36: https://www.youtube.com/watch?v=tAxqDp2jA5M at 5:59

42. The Accused Tesla Cars include a non-transitory computer readable storage medium storing instructions that, when executed by a processor, cause the processor to operate a climate control mechanism of the electric vehicle while the vehicle is in a parked state and in accordance with the selected mode of operation for a duration of time until the amount of charge residing in the battery reaches a predetermined level:

" If the owner is gone for long periods of time and the Model 3's battery goes below 20 percent, a push notification goes to the owner's phone to prompt them to get back to their pet."

Fig. 37: https://www.caranddriver.com/news/a29591859/how-tesla-dog-mode-works-model-3/

Willful Infringement

43. Defendant has had actual knowledge of the '135 Patent and its infringement thereof at least as of service or other receipt of Plaintiff's Original Complaint.

44. Defendant's infringement of the '135 Patent was either known or was so obvious that it should have been known to Defendant.

45. Notwithstanding this knowledge, Defendant has knowingly or with reckless disregard infringed the '135 Patent. Defendant continued to commit acts of infringement despite being on notice of an objectively high likelihood that its actions constituted infringement of Plaintiff's valid patent rights, either literally or equivalently.

46. Defendant is therefore liable for willful infringement. Accordingly, Plaintiff seeks enhanced damages pursuant to 35 U.S.C. §§ 284 and 285.

Indirect Infringement

47. Defendant has induced and is knowingly inducing its distributors, testers, trainers, customers and/or end users to directly infringe the '135 Patent, with the specific intent to induce acts constituting infringement, and knowing that the induced acts constitute patent infringement, either literally or equivalently.

48. Defendant has knowingly contributed to direct infringement by its customers and end users by having imported, sold, and/or offered for sale, and knowingly importing, selling, and/or offering to sell within the United States the accused products which are not suitable for substantial non-infringing use and which are especially made or especially adapted for use by its customers in an infringement of the asserted patent.

49. Defendant's indirect infringement includes, for example, providing data sheets, technical guides, demonstrations, software and hardware specifications,

installation guides, and other forms of support that induce its customers and/or end users to directly infringe the '135 Patent, including: https://www.tesla.com/sites/default/files/model_3_owners_manual_north_america_en.pdf.

50. Defendant's indirect infringement additionally includes marketing its products for import by its customers into the United States. Defendant's indirect infringement further includes providing application notes instructing its customers on infringing uses of the Accused Tesla Cars. The Accused Tesla Cars are designed in such a way that when they are used for their intended purpose, the user infringes the '135 Patent, either literally or equivalently. Defendant knows and intends that customers who purchase the Accused Tesla Cars will use those products for their intended purpose. For example, Defendant's United States website, https://www.tesla.com, instructs customers to use the Accused Tesla Cars in numerous infringing applications. Defendant's customers directly infringe the '135 Patent when they follow Defendant's provided instructions on websites, videos, and elsewhere. Defendant's customers who follow Defendant's provided instructions directly infringe claims of the '135 Patent.

51. In addition, Defendant specifically intends that its customers, such as United States distributors, retailers and consumer product companies, will import, use, and sell infringing products in the United States to serve and develop the United States market for Defendant's infringing products. Defendant knows following its

instructions directly infringes claims of the '135 Patent, including for example Claims 8 and 14.

52. As a result of Defendant's infringement, Plaintiff has suffered monetary damages, and is entitled to an award of damages adequate to compensate it for such infringement which, by law, can be no less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT TWO
INFRINGEMENT OF U.S. PATENT 10,998,753

53. Plaintiff incorporates by reference the allegations in preceding paragraphs as if fully set forth herein.

54. The '753 Patent, entitled "SYSTEMS AND METHODS FOR CHARGING ELECTRIC VEHICLS" was filed on September 4, 2020, and claims priority to a provisional application filed on July 11, 2008 issued on May 4, 2021.

55. Plaintiff Charge Fusion is the assignee and owner of all rights, title, and interest to the '753 Patent, including the right to recover for past infringements, and has the legal right to enforce the patent, sue for infringement, and seek equitable relief and damages.

Technical Description

56. The '753 Patent discloses and claims "[s]ystems and methods for charging electric vehicles and for quantitative and qualitative load balancing of electrical demand[.]" '753 Patent, abstract.

57. The '753 Patent recognized that it may be advantageous to intelligently charge vehicles. 2:5-6.

58. In some embodiments, for example, intelligent vehicle charging may comprise receiving (e.g., from a vehicle sensor) information indicative of a presence of a vehicle in a parking space. Intelligent charging may also or alternatively comprise receiving (e.g., from a communication device) information indicative of an identifier of the vehicle, determining, based at least on the information indicative of the identifier of the vehicle, a charging schedule for the vehicle, and/or charging, in accordance with the charging schedule, the vehicle. '753 Patent, 2:6-15

59. The '753 Patent further recognizes that intelligent qualitative load balancing for electrical loads may comprise determining an electrical load that requires electrical power, determining a plurality of available sources of electrical power, determining a characteristic of each of the plurality of available sources of power, selecting, based at least in part on the determined characteristics of the plurality of available sources of power, one or more of the available sources of power, and/or activating at least one of electrical switch to cause electrical power from the selected one or more of the available sources of power to be provided to the electrical load. '753 Patent, 2:32-45.

Direct Infringement

60. Tesla, individually and collectively as various associated business enterprises and without authorization or license from Charge Fusion, has been and is directly infringing the claims of the '753 Patent, either literally or equivalently, as infringement is defined by 35 U.S.C. § 271, including through making, using, importing, selling, and offering for sale electric cars and charging stations that, either

alone, or in conjunction with each other, infringe one or more claims of the '753 Patent. Tesla, individually and collectively as various common business enterprises, develops, designs, manufactures, sells, and distributes electric cars and charging stations that either alone, or in conjunction with each other, infringe one or more claims of the '753 Patent. Tesla further provides services, including, but not limited to, charge station services that practice methods that infringe one or more claims of the '753 Patent. Tesla is thus liable for direct infringement pursuant to 35 U.S.C. § 271.

61. Exemplary infringing products include, but are not limited to, Tesla cars such as the Model 3, Model S, Model X, Model Y and Roadster and all other substantially similar products, along with their associated charging stations ("Accused Tesla Cars").

62. Plaintiff Charge Fusion names these exemplary infringing instrumentalities to serve as notice of Tesla's infringing acts, but Plaintiff reserves the right to name additional infringing products, known to or learned by Plaintiff or revealed during discovery, and include them in the definition of '753 Accused Products.

63. Tesla is liable for direct infringement pursuant to 35 U.S.C. § 271 for the manufacture, sale, offer for sale, importation, or distribution of the Tesla Accused Cars either alone, or in conjunction with associated charging stations.

64. As a result of Tesla's infringement, Charge Fusion has suffered monetary damages, and is entitled to an award of damages adequate to compensate

it for such infringement which, by law, can be no less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 US.C. § 284.

65. As a result of Tesla's infringement, Charge Fusion has suffered monetary damages, and is entitled to an award of damages adequate to compensate it for such infringement which, by law, can be no less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 US.C. § 284.

66. The Accused Tesla Cars, either alone or in conjunction with the associated charging stations meet all limitations of at least Claim 6 of the '753 Patent, either literally or equivalently.

67. The Accused Tesla Cars include electrical charging system which comprises one or more processing devices; and 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 receiving information indicative of a starting location of an electric vehicle:

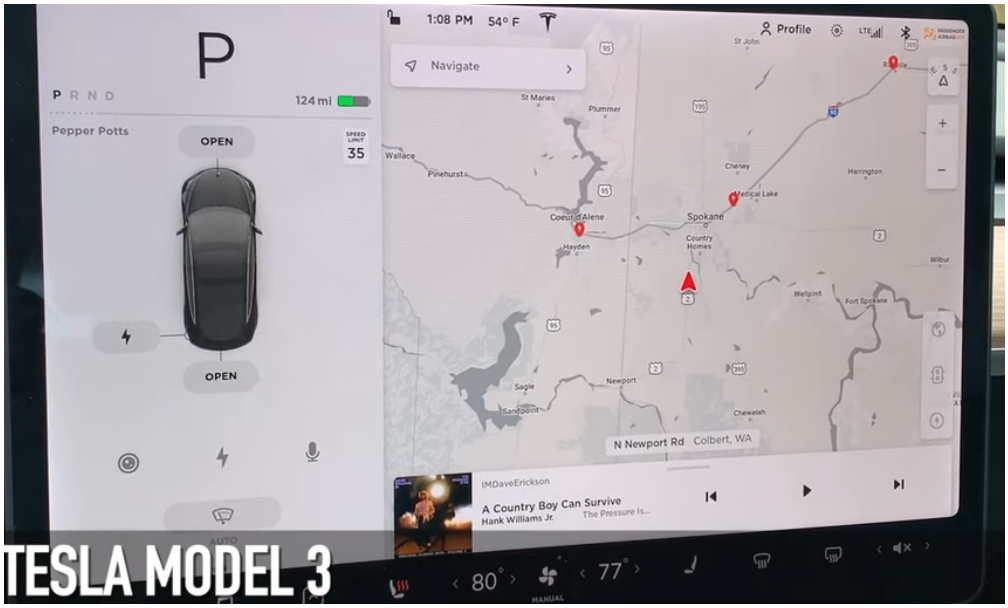


Fig. 37: https://www.youtube.com/watch?v=7zWQF7Okv9A at 0:20

68. The Accused Tesla Cars include electrical charging system which comprises one or more processing devices; and 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 receiving information indicative of a desired destination of the electric vehicle:

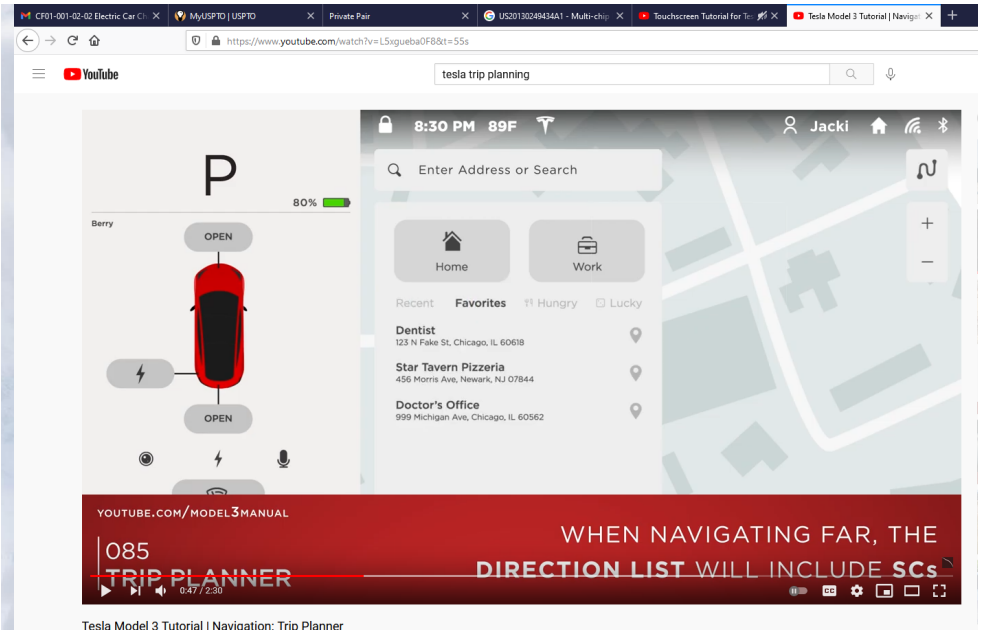


Fig. 38: https://www.youtube.com/watch?v=L5xgueba0F8&t=55s at 0:47

69. The Accused Tesla Cars include electrical charging system which comprises one or more processing devices; and 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 receiving information indicative of a charging location of each of a plurality of electric charge providers:

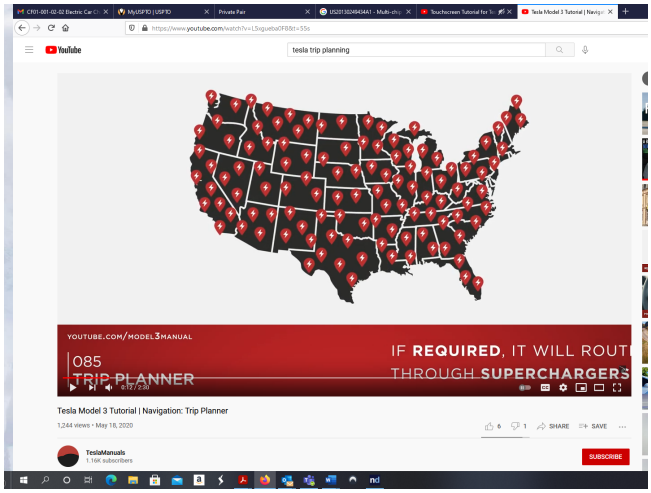


Fig. 39: https://www.youtube.com/watch?v=L5xgueba0F8&t=55s at 0:12

70. The Accused Tesla Cars include electrical charging system which comprises one or more processing devices; and 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 computing, based at least in part on the starting location, the desired destination, and the charging locations of one or more of the plurality of electric charge providers, a charging schedule for the electric vehicle the charging schedule comprising a scheduled start time and an indication of a scheduled stop time for charging the electric vehicle at each of one or more of the plurality of charging locations, wherein a first charging location is computed based, at least in part, on an ability of the electric vehicle to travel to the first charging location utilizing a charge amount stored in a battery of the electric vehicle:

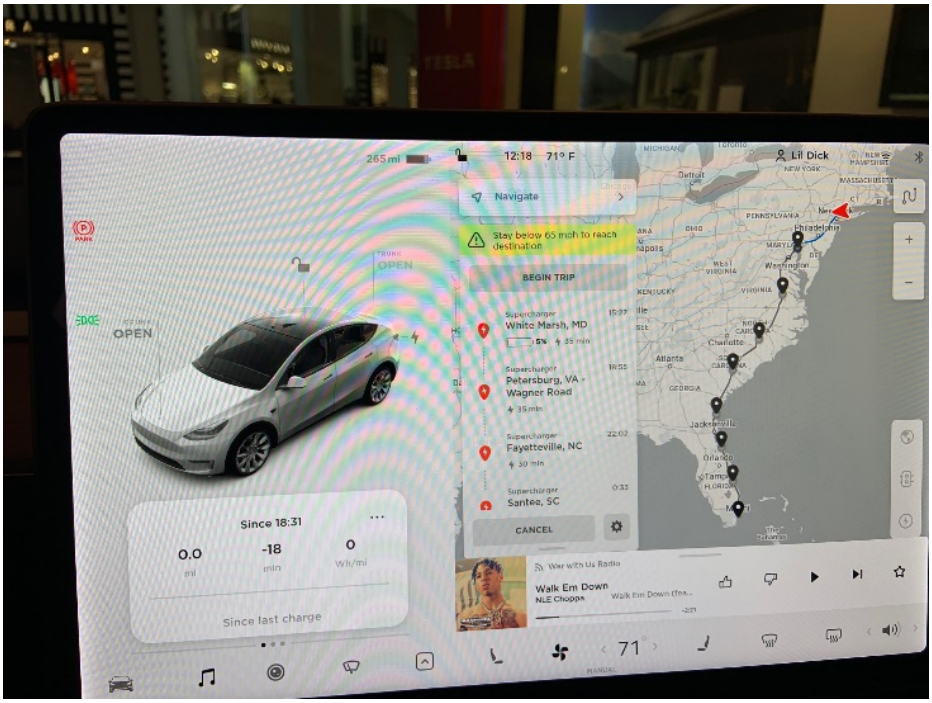


Fig. 40: image of the Tesla car screen showing the computed charging schedule including the starting location, the desired destination and a plurality of electric charge providers along the computed route

71. The Accused Tesla Cars include electrical charging system which comprises one or more processing devices; and 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 displaying a charging status of the electric vehicle via a graphical user interface forming a part of the electric vehicle:

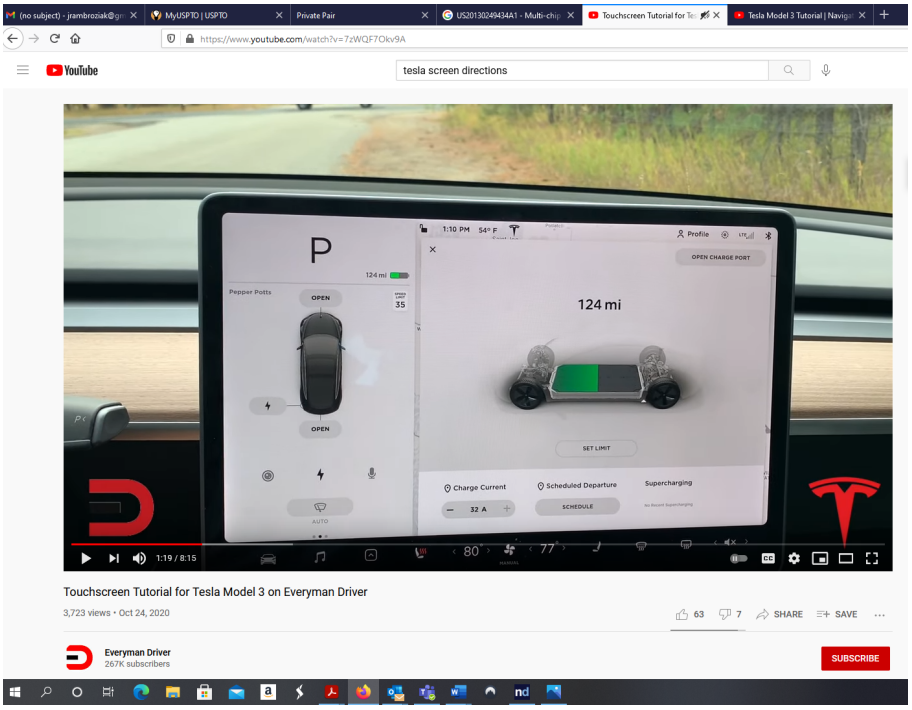


Fig. 41: https://www.youtube.com/watch?v=7zWQF7Okv9A at 1:25

72. The Accused Tesla Cars include electrical charging system which comprises one or more processing devices; and 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 increasing, in accordance with the charging schedule, a level of charge of the battery of the electric vehicle.

73. The Accused Tesla Cars include electrical charging system wherein the desired destination information is defined by a user of the electric vehicle via the graphical user interface 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:

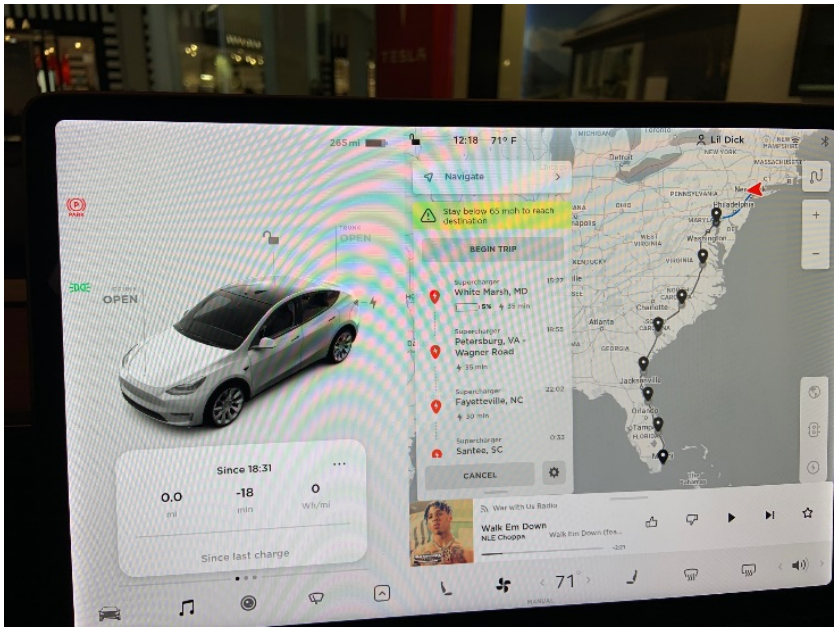


Fig. 42: The destination was defined via a driver touching the GUI of the Tesla car screen to indicate a location in southern Florida.

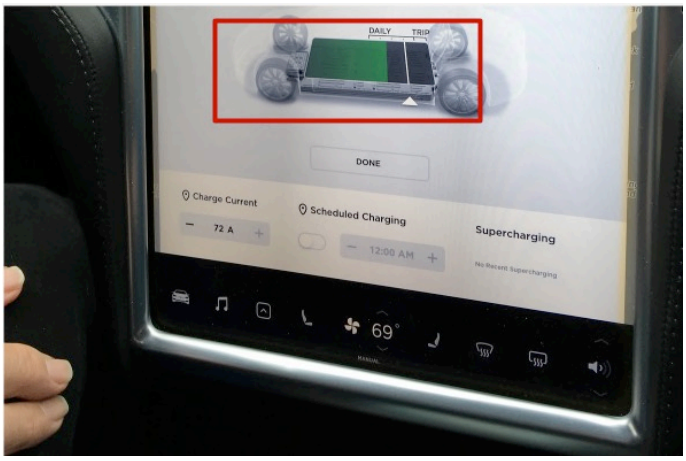


Fig. 43: Tesla car screen displaying a graphic showing both charge level and uncharged capacity.

Willful Infringement

74. Defendant has had actual knowledge of the '753 Patent and its infringement thereof at least as of service or other receipt of Plaintiff's Original Complaint.

75. Defendant's infringement of the '753 Patent was either known or was so obvious that it should have been known to Defendant.

76. Notwithstanding this knowledge, Defendant has knowingly or with reckless disregard infringed the '753 Patent. Defendant continued to commit acts of infringement despite being on notice of an objectively high likelihood that its actions constituted infringement of Plaintiff's valid patent rights, either literally or equivalently.

77. Defendant is therefore liable for willful infringement. Accordingly, Plaintiff seeks enhanced damages pursuant to 35 U.S.C. §§ 284 and 285.

Indirect Infringement

78. Defendant has induced and is knowingly inducing its distributors, testers, trainers, customers and/or end users to directly infringe the '753 Patent, with the specific intent to induce acts constituting infringement, and knowing that the induced acts constitute patent infringement, either literally or equivalently.

79. Defendant has knowingly contributed to direct infringement by its customers and end users by having imported, sold, and/or offered for sale, and knowingly importing, selling, and/or offering to sell within the United States the accused products which are not suitable for substantial non-infringing use and which

are especially made or especially adapted for use by its customers in an infringement of the asserted patent.

80. Defendant's indirect infringement includes, for example, providing data sheets, technical guides, demonstrations, software and hardware specifications, installation guides, and other forms of support that induce its customers and/or end users to directly infringe the '753 Patent, including: https://www.tesla.com/sites/default/files/model_3_owners_manual_north_america_en.pdf.

81. Defendant's indirect infringement additionally includes marketing its products for import by its customers into the United States. Defendant's indirect infringement further includes providing application notes instructing its customers on infringing uses of the Accused Tesla Cars. The Accused Tesla Cars are designed in such a way that when they are used for their intended purpose, the user infringes the '753 Patent, either literally or equivalently. Defendant knows and intends that customers who purchase the Accused Tesla Cars will use those products for their intended purpose. For example, Defendant's United States website, https://www.tesla.com, instructs customers to use the Accused Tesla Cars in numerous infringing applications. Defendant's customers directly infringe the '753 Patent when they follow Defendant's provided instructions on websites, videos, and elsewhere. Defendant's customers who follow Defendant's provided instructions directly infringe claims of the '753 Patent.

82. In addition, Defendant specifically intends that its customers, such as United States distributors, retailers and consumer product companies, will import, use, and sell infringing products in the United States to serve and develop the United States market for Defendant's infringing products. Defendant knows following its instructions directly infringes claims of the '753 Patent, including for example Claim 1.

83. As a result of Defendant's infringement, Plaintiff has suffered monetary damages, and is entitled to an award of damages adequate to compensate it for such infringement which, by law, can be no less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT THREE
INFRINGEMENT OF U.S. PATENT 11,563,338

84. Plaintiff incorporates by reference the allegations in preceding paragraphs as if fully set forth herein.

85. The '338 Patent, entitled "SYSTEMS AND METHODS FOR ELECTRIC VEHICLE CHARING AND POWER MANAGEMENT" was filed on June 1, 2022 and claims priority to a provisional application filed on July 11, 2008 issued on January 24, 2023.

86. Plaintiff Charge Fusion is the assignee and owner of all rights, title, and interest to the '338 Patent, including the right to recover for past infringements, and has the legal right to enforce the patent, sue for infringement, and seek equitable relief and damages.

Technical Description

87. The '338 Patent discloses and claims "[s]ystems and methods for charging electric vehicles and for quantitative and qualitative load balancing of electrical demand[.]" '338 Patent, abstract.

88. The '338 Patent recognized that it may be advantageous to intelligently charge vehicles. 2:43-45.

89. In some embodiments, for example, intelligent vehicle charging may comprise receiving (e.g., from a vehicle sensor) information indicative of a presence of a vehicle in a parking space. Intelligent charging may also or alternatively comprise receiving (e.g., from a communication device) information indicative of an identifier of the vehicle, determining, based at least on the information indicative of the identifier of the vehicle, a charging schedule for the vehicle, and/or charging, in accordance with the charging schedule, the vehicle. '338 Patent, 2:17-21.

90. The '338 Patent further recognizes that intelligent qualitative load balancing for electrical loads may comprise determining an electrical load that requires electrical power, determining a plurality of available sources of electrical power, determining a characteristic of each of the plurality of available sources of power, selecting, based at least in part on the determined characteristics of the plurality of available sources of power, one or more of the available sources of power, and/or activating at least one of electrical switch to cause electrical power from the selected one or more of the available sources of power to be provided to the electrical load. '338 Patent, 2:28-34.

Direct Infringement

91. Tesla, individually and collectively as various associated business enterprises and without authorization or license from Charge Fusion, has been and is directly infringing the claims of the '338 Patent, either literally or equivalently, as infringement is defined by 35 U.S.C. § 271, including through making, using, importing, selling, and offering for sale electric cars and charging stations that, either alone, or in conjunction with each other, infringe one or more claims of the '338 Patent. Tesla, individually and collectively as various common business enterprises, develops, designs, manufactures, sells, and distributes electric cars and charging stations that either alone, or in conjunction with each other, infringe one or more claims of the '338 Patent. Tesla further provides services, including, but not limited to, charge station services that practice methods that infringe one or more claims of the '338 Patent. Tesla is thus liable for direct infringement pursuant to 35 U.S.C. § 271.

92. Exemplary infringing products include, but are not limited to, Tesla cars such as the Model 3, Model S, Model X, Model Y and Roadster and all other substantially similar products, along with their associated charging stations ("Accused Tesla Cars").

93. Plaintiff Charge Fusion names these exemplary infringing instrumentalities to serve as notice of Tesla's infringing acts, but Plaintiff reserves the right to name additional infringing products, known to or learned by Plaintiff or

revealed during discovery, and include them in the definition of '338 Accused Products.

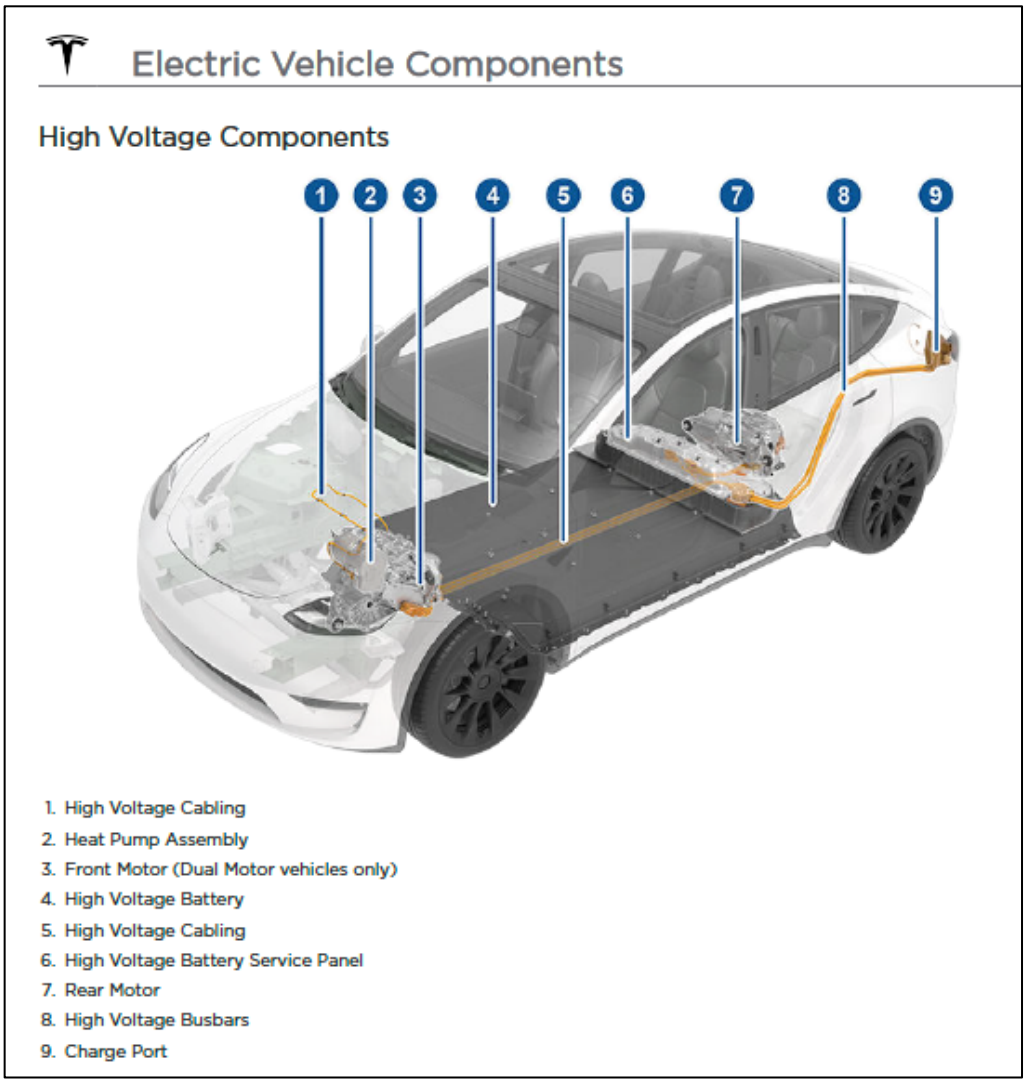
94. Tesla is liable for direct infringement pursuant to 35 U.S.C. § 271 for the manufacture, sale, offer for sale, importation, or distribution of the Tesla Accused Cars either alone, or in conjunction with associated charging stations.

95. As a result of Tesla's infringement, Charge Fusion has suffered monetary damages, and is entitled to an award of damages adequate to compensate it for such infringement which, by law, can be no less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 US.C. § 284.

96. As a result of Tesla's infringement, Charge Fusion has suffered monetary damages, and is entitled to an award of damages adequate to compensate it for such infringement which, by law, can be no less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 US.C. § 284.

97. The Accused Tesla Cars, either alone or in conjunction with the associated charging stations meet all limitations of at least Claim 1 of the '338 Patent, either literally or equivalently.

98. The Accused Tesla Cars include an electrical charging system which comprises a vehicle sensor, a communication device, a processor in communication with the vehicle sensor and the communication device; and a memory in communication with the processor.



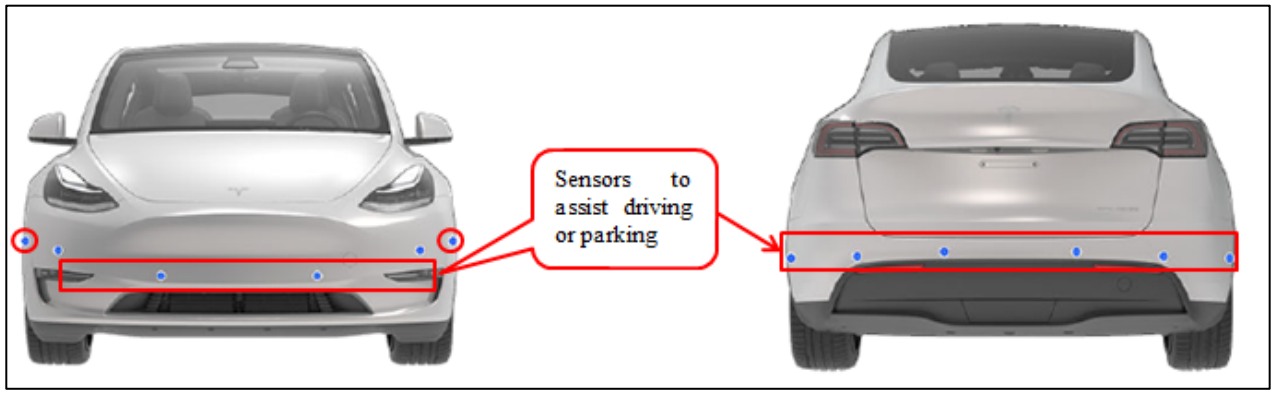
Model Y, Exhibit A-1, Page 154.

99. "New User Interface: Every Model 3 and Model Y, along with legacy Model S and Model X fitted with an Intel Atom® Processor, will receive a fresh digital look that carries over design elements from our new generation Model S and Model X. Several notable features include a customizable app launcher, simplified controls menu and support for a dark mode appearance."

https://www.tesla.com/blog/introducing-software-v11-0.

100. "To charge at a public charging station, plug the appropriate adapter into the vehicle's charging port, and then connect the station's charging connector to the adapter. The most commonly used adapter(s) for each market region are provided. Depending on the charging equipment you are using, you may need to start and stop charging using a control on the charging equipment." **Model Y, Exhibit A-1, Page 157.**

101. The Accused Tesla Cars' electrical charging system includes the memory storing instructions that when executed by the processor cause the processor to receive, from the vehicle sensor, information indicative of a presence of an electric vehicle in a parking space.



Model Y, Exhibit A-1, Page 64.

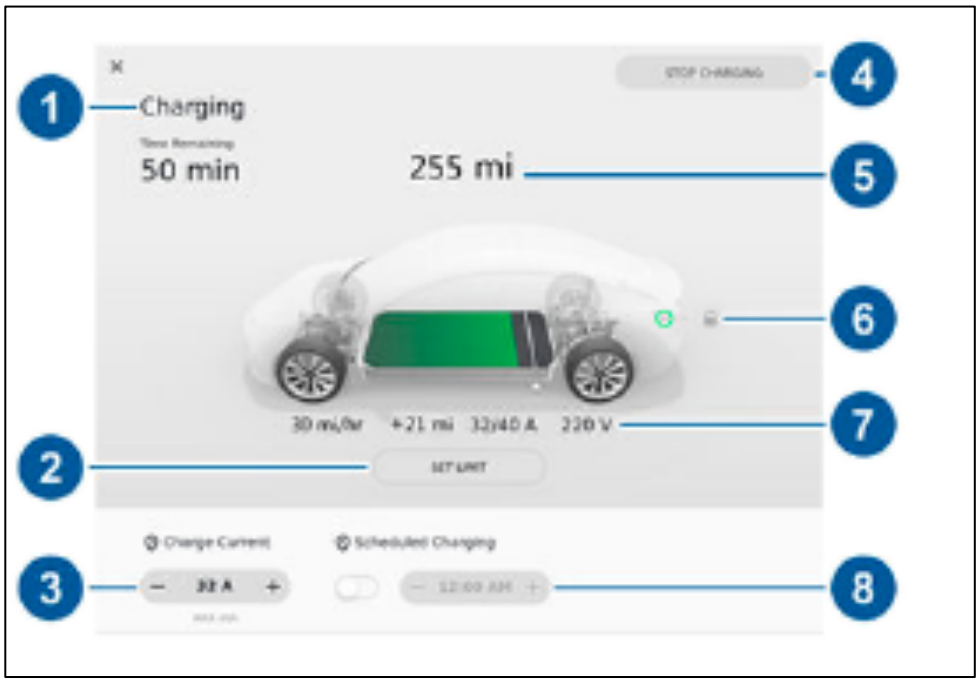
102. The Accused Tesla Model Y Car includes multiple sensors. For example, ultrasonic and GPS sensors identify the vehicle's location; and assist the vehicle with functions such as automatic parking. In Autopark feature, a parking space is detected and "Summon" feature maneuvers the car to forward or reverse into the parking space.

103. "The information can be received from any vehicle sensor including sensors located at or near a parking space including when communicating with the remainder of the claimed electrical charging system such as when the vehicle is plugged in."

104. "Autopark uses data from the cameras and ultrasonic sensors and GPS to simplify parking on public roads by maneuvering Model Y into parallel and perpendicular parking spaces. See To Use Autopark on page 107."

Model Y, Exhibit A-1, Page 107.

105. The Accused Tesla Cars' electrical charging system which receives, 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.

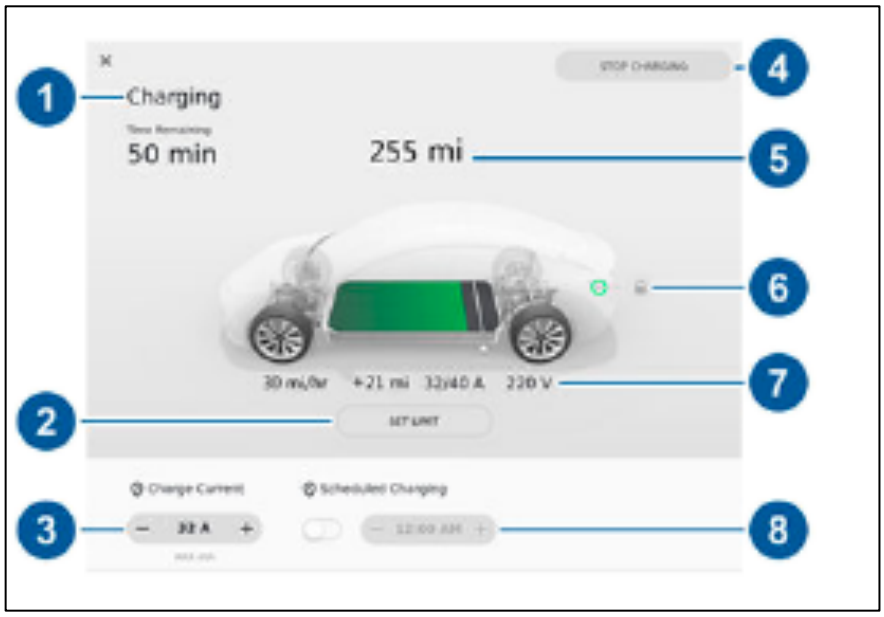


Model Y, Exhibit A-1, Page 159.

106. The Accused Tesla Cars' electrical charging system which determines, 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.

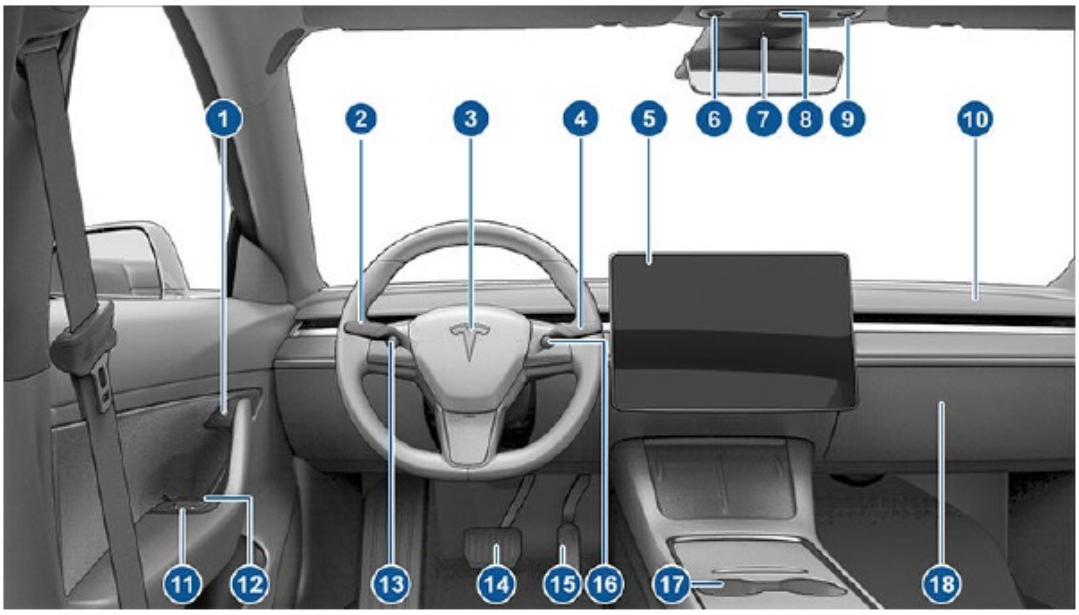
107. "Supercharger Usage Fees and Idle Fees. When charging using a Tesla supercharger, SUPERCHARGING information displays at the bottom of the charging screen. This information includes the location, the time that charging started, and an estimate of how much the session will cost. When you stop supercharging, the estimated cost of that session displays until a new supercharging session begins." Model Y, Exhibit A-1, Page 160.

108. The Accused Tesla Model Y Car includes touchscreen with control icons to control multiple features of the car. The charging of the car is scheduled based on the setting of charge limit (i.e. charging preference) and based on cost estimate for the session (i.e. first value of the dynamic attribute) displayed on the charging screen. For example, if the current cost estimate for the session is high, the user can schedule the charging to the time when the cost of the session is low (off-peak hours) as compared to current cost of the session, otherwise schedule to start the charging immediately.

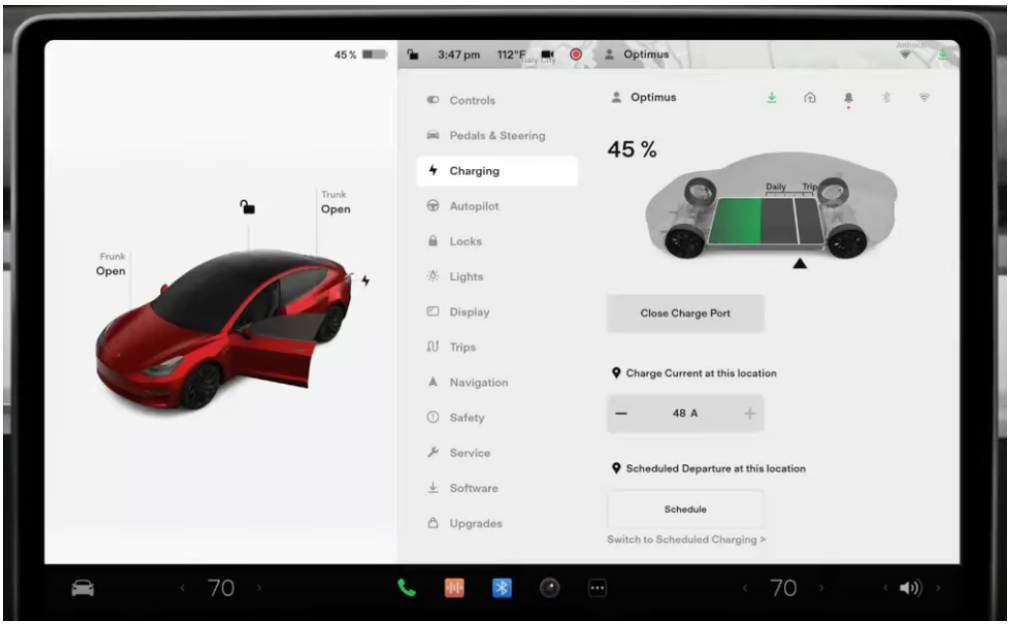


Model Y, Exhibit A-1, Page 159.

109. The Accused Tesla Cars' electrical charging system includes 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.



Model Y, Exhibit B-1, Page 3



Source: https://www.tesla.com/support/videos/watch/charging-meet-your-model-y

110. The Accused Tesla Cars' electrical charging system receives 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.

> The climate control system maintains your climate settings until you shift out of Park or manually turn it off. If the Battery's charge level drops below 20%, the Tesla mobile app repeatedly starts sending you notifications reminding you to check on anything that you have left in Model Y.

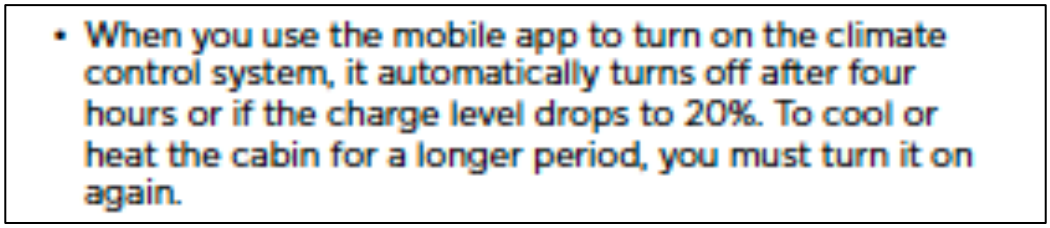
Model Y, Exhibit B-1, Page 132

111. The Accused Tesla Cars' electrical charging system displays 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.

> **Keep Climate On, Dog Mode, and Camp Mode**
>
> The **Keep Climate On**, **Dog**, and **Camp** settings allow you to keep the climate control system running when in Park, even after you've left Model Y or choose to stay inside the vehicle. These settings are useful when it is important to maintain the cabin temperature in hot or cold weather conditions. For example, when leaving groceries in Model Y on hot days, you may want to use Keep Climate On to prevent spoilage.
>
> Dog mode keeps your pet comfortable while also displaying the current cabin temperature on the touchscreen so people nearby are informed that your pet does not need to be rescued.

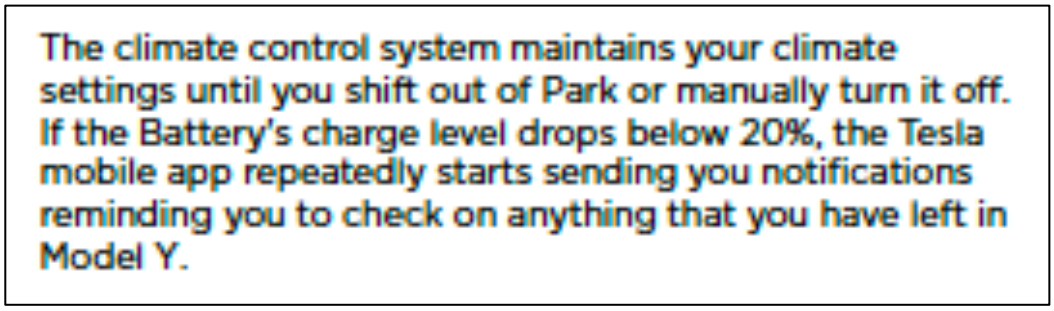
Model Y, Exhibit B-1, Page 132

112. The Accused Tesla Cars' electrical charging system operates the temperature control system of the electric vehicle in accordance with the selected mode of operation for a duration of time.



Model Y, Exhibit B-1, Page 133

113. The Accused Tesla Cars' electrical charging system 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.



Model Y, Exhibit B-1, Page 132

Willful Infringement

114. Defendant has had actual knowledge of the '338 Patent and its infringement thereof at least as of service or other receipt of Plaintiff's Amended Complaint.

115. Defendant's infringement of the '338 Patent was either known or was so obvious that it should have been known to Defendant.

116. Notwithstanding this knowledge, Defendant has knowingly or with reckless disregard infringed the '338 Patent. Defendant continued to commit acts of infringement despite being on notice of an objectively high likelihood that its actions constituted infringement of Plaintiff's valid patent rights, either literally or equivalently.

117. Defendant is therefore liable for willful infringement. Accordingly, Plaintiff seeks enhanced damages pursuant to 35 U.S.C. §§ 284 and 285.

118. **Indirect Infringement**

119. Defendant has induced and is knowingly inducing its distributors, testers, trainers, customers and/or end users to directly infringe the '338 Patent, with the specific intent to induce acts constituting infringement, and knowing that the induced acts constitute patent infringement, either literally or equivalently.

120. Defendant has knowingly contributed to direct infringement by its customers and end users by having imported, sold, and/or offered for sale, and knowingly importing, selling, and/or offering to sell within the United States the accused products which are not suitable for substantial non-infringing use and which are especially made or especially adapted for use by its customers in an infringement of the asserted patent.

121. Defendant's indirect infringement includes, for example, providing data sheets, technical guides, demonstrations, software and hardware specifications, installation guides, and other forms of support that induce its customers and/or end users to directly infringe the '338 Patent, including:

https://www.tesla.com/sites/default/files/model_3_owners_manual_north_america_en.pdf.

122. Defendant's indirect infringement additionally includes marketing its products for import by its customers into the United States. Defendant's indirect infringement further includes providing application notes instructing its customers on infringing uses of the Accused Tesla Cars. The Accused Tesla Cars are designed in such a way that when they are used for their intended purpose, the user infringes the '338 Patent, either literally or equivalently. Defendant knows and intends that customers who purchase the Accused Tesla Cars will use those products for their intended purpose. For example, Defendant's United States website, https://www.tesla.com, instructs customers to use the Accused Tesla Cars in numerous infringing applications. Defendant's customers directly infringe the '338 Patent when they follow Defendant's provided instructions on websites, videos, and elsewhere. Defendant's customers who follow Defendant's provided instructions directly infringe claims of the '338 Patent.

123. In addition, Defendant specifically intends that its customers, such as United States distributors, retailers and consumer product companies, will import, use, and sell infringing products in the United States to serve and develop the United States market for Defendant's infringing products. Defendant knows following its instructions directly infringes claims of the '338 Patent, including for example Claim 10.

124. As a result of Defendant's infringement, Plaintiff has suffered monetary damages, and is entitled to an award of damages adequate to compensate it for such infringement which, by law, can be no less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT FOUR
INFRINGEMENT OF U.S PATENT 11,631,987

125. Plaintiff incorporates by reference the allegations in preceding paragraphs as if fully set forth herein.

126. The '987 Patent, entitled "SYSTEMS AND METHODS FOR CHARGING ELECTRIC VEHICLES" was filed on May 3, 2021, and claims priority to a provisional application filed on July 11, 2008 issued on April 18, 2023.

127. Plaintiff Charge Fusion is the assignee and owner of all rights, title, and interest to the '987 Patent, including the right to recover for past infringements, and has the legal right to enforce the patent, sue for infringement, and seek equitable relief and damages.

Technical Description

128. The '987 Patent discloses and claims "[s]ystems and methods for charging electric vehicles that define a charging schedule for an electric vehicle based on one or more charging preferences of an operator of the vehicle and based on at least one current value of a dynamic attribute of an electric charge provider." '987 Patent, abstract.

129. The '987 Patent recognized that it may be advantageous to intelligently charge vehicles. 2:12-13.

130. In some embodiments, for example, intelligent vehicle charging may comprise receiving (e.g., from a vehicle sensor) information indicative of a presence of a vehicle in a parking space. Intelligent charging may also or alternatively comprise receiving (e.g., from a communication device) information indicative of an identifier of the vehicle, determining, based at least on the information indicative of the identifier of the vehicle, a charging schedule for the vehicle, and/or charging, in accordance with the charging schedule, the vehicle. '987 Patent, 2:13-22.

131. The '987 Patent further recognizes that intelligent qualitative load balancing for electrical loads may comprise determining an electrical load that requires electrical power, determining a plurality of available sources of electrical power, determining a characteristic of each of the plurality of available sources of power, selecting, based at least in part on the determined characteristics of the plurality of available sources of power, one or more of the available sources of power, and/or activating at least one of electrical switch to cause electrical power from the selected one or more of the available sources of power to be provided to the electrical load. '987 Patent, 2:50-62.

Direct Infringement

132. Tesla, individually and collectively as various associated business enterprises and without authorization or license from Charge Fusion, has been and is directly infringing the claims of the '987 Patent, either literally or equivalently, as infringement is defined by 35 U.S.C. § 271, including through making, using, importing, selling, and offering for sale electric cars and charging stations that, either

alone, or in conjunction with each other, infringe one or more claims of the '987 Patent. Tesla, individually and collectively as various common business enterprises, develops, designs, manufactures, sells, and distributes electric cars and charging stations that either alone, or in conjunction with each other, infringe one or more claims of the '987 Patent. Tesla further provides services, including, but not limited to, charge station services that practice methods that infringe one or more claims of the '987 Patent. Tesla is thus liable for direct infringement pursuant to 35 U.S.C. § 271.

133. Exemplary infringing products include, but are not limited to, Tesla cars such as the Model 3, Model S, Model X, Model Y and Roadster and all other substantially similar products, along with their associated charging stations ("Accused Tesla Cars").

134. Plaintiff Charge Fusion names these exemplary infringing instrumentalities to serve as notice of Tesla's infringing acts, but Plaintiff reserves the right to name additional infringing products, known to or learned by Plaintiff or revealed during discovery, and include them in the definition of '987 Accused Products.

135. Tesla is liable for direct infringement pursuant to 35 U.S.C. § 271 for the manufacture, sale, offer for sale, importation, or distribution of the Tesla Accused Cars either alone, or in conjunction with associated charging stations.

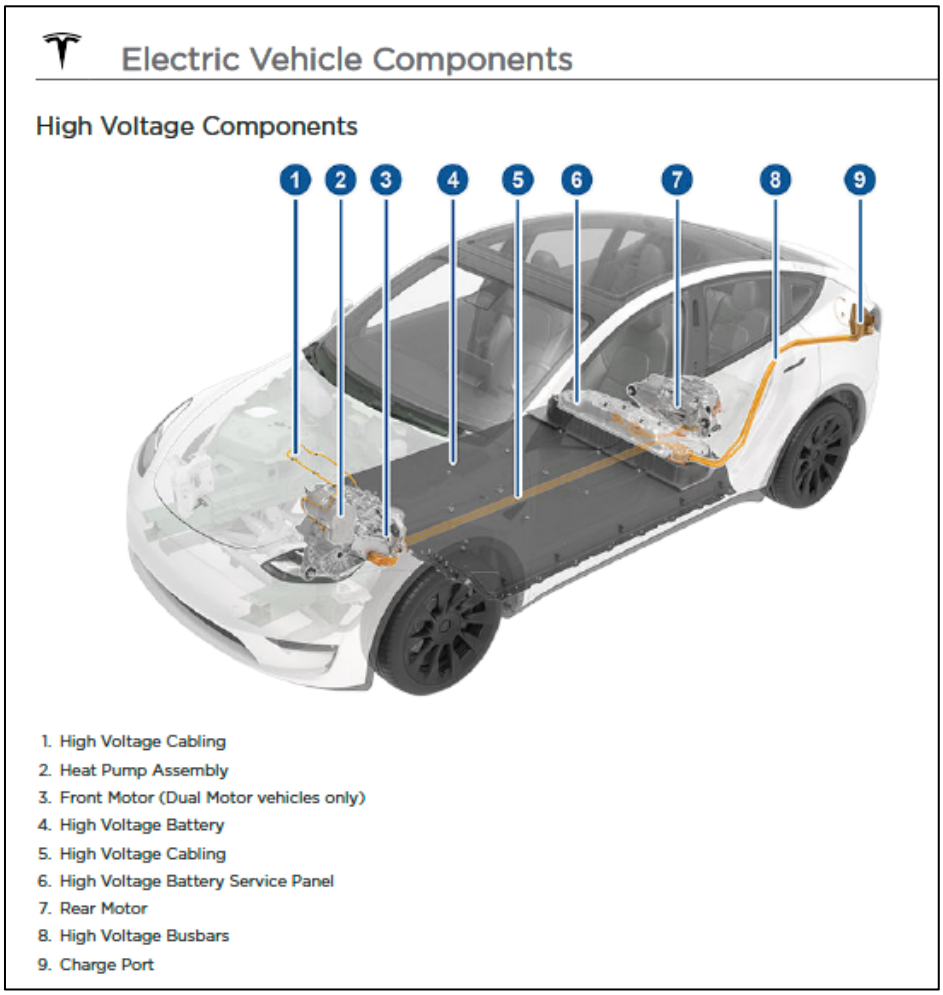
136. As a result of Tesla's infringement, Charge Fusion has suffered monetary damages, and is entitled to an award of damages adequate to compensate

it for such infringement which, by law, can be no less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 US.C. § 284.

137. As a result of Tesla's infringement, Charge Fusion has suffered monetary damages, and is entitled to an award of damages adequate to compensate it for such infringement which, by law, can be no less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 US.C. § 284.

138. The Accused Tesla Cars, either alone or in conjunction with the associated charging stations meet all limitations of at least Claim 1 of the '987 Patent, either literally or equivalently.

139. The Accused Tesla Cars include an electrical charging system that comprises a vehicle sensor; a communication device; a processor in communication with the vehicle sensor and the communication device; and a memory in communication with the processor.



Model Y, Exhibit A-1, Page 154.

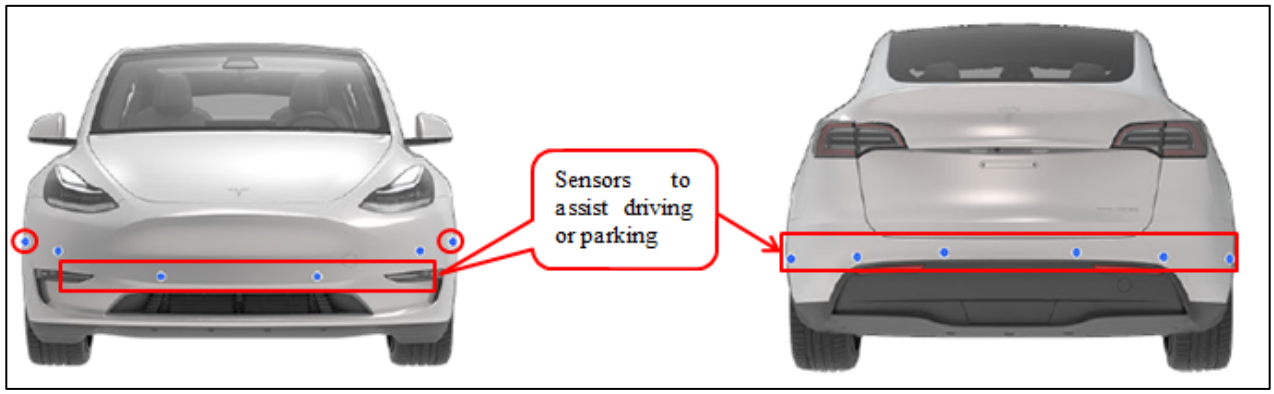
140. "New User Interface: Every Model 3 and Model Y, along with legacy Model S and Model X fitted with an Intel Atom® Processor, will receive a fresh digital look that carries over design elements from our new generation Model S and Model X. Several notable features include a customizable app launcher, simplified controls menu and support for a dark mode appearance."

https://www.tesla.com/blog/introducing-software-v11-0.

141. "To charge at a public charging station, plug the appropriate adapter into the vehicle's charging port, and then connect the station's charging connector to

the adapter. The most commonly used adapter(s) for each market region are provided. Depending on the charging equipment you are using, you may need to start and stop charging using a control on the charging equipment." **Model Y, Exhibit A-1, Page 157.**

142. The Accused Tesla Cars' electrical charging system includes the memory storing instructions that when executed by the processor cause the processor to receive, from the vehicle sensor, information indicative of a presence of an electric vehicle in a parking space.



Model Y, Exhibit A-1, Page 64.

143. For example, the Accused Tesla Model Y Car includes multiple sensors. For example, ultrasonic and GPS sensors identify the vehicle's location; and assist the vehicle with functions such as automatic parking. In Autopark feature, a parking space is detected and "Summon" feature maneuvers the car to forward or reverse into the parking space.

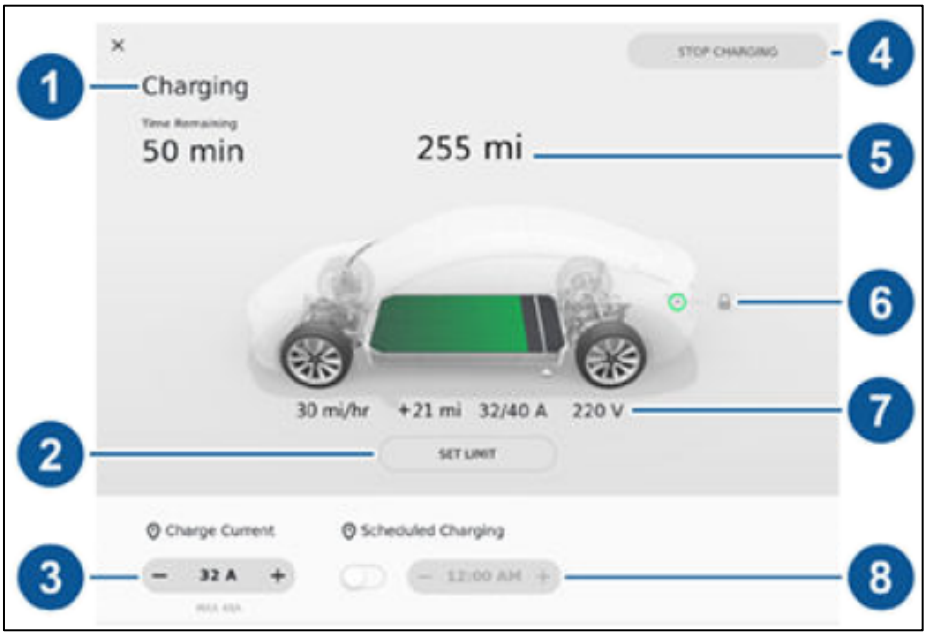
144. "The information can be received from any vehicle sensor including sensors located at or near a parking space including when communicating with the

remainder of the claimed electrical charging system such as when the vehicle is plugged in."

145. "Autopark uses data from the cameras and ultrasonic sensors and GPS to simplify parking on public roads by maneuvering Model Y into parallel and perpendicular parking spaces. See To Use Autopark on page 107."

Model Y, Exhibit A-1, Page 107.

146. The Accused Tesla Cars' electrical charging system receives, 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.

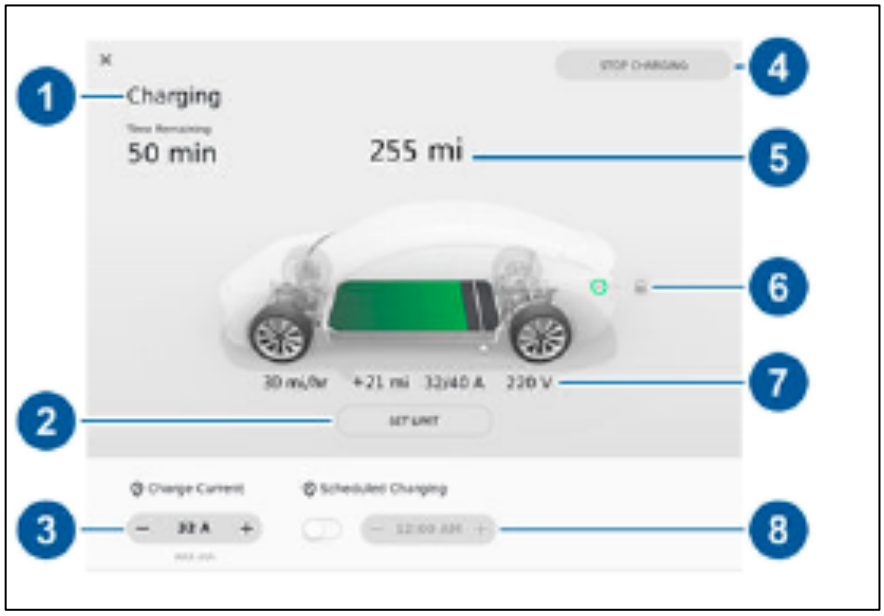


Model Y, Exhibit A-1, Page 159.

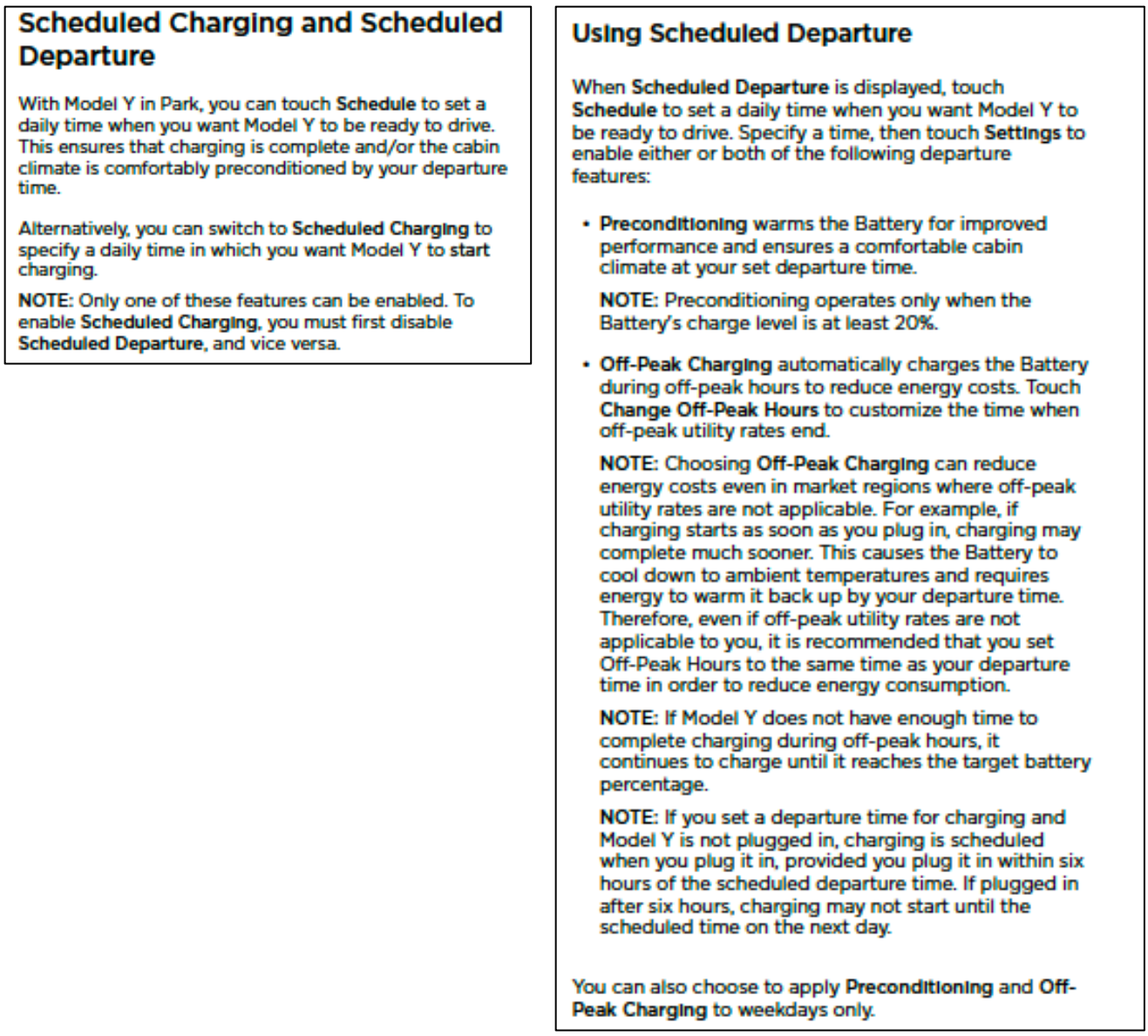
147. The Accused Tesla Cars' electrical charging system determines, based at least on the one or more charging preferences and at least one current value of a dynamic attribute of an electric charge provider, a charging schedule for the vehicle.

148. "Supercharger Usage Fees and Idle Fees. When charging using a Tesla supercharger, SUPERCHARGING information displays at the bottom of the charging screen. This information includes the location, the time that charging started, and an estimate of how much the session will cost. When you stop supercharging, the estimated cost of that session displays until a new supercharging session begins." Model Y, Exhibit A-1, Page 160.

149. The Accused Tesla Model Y Car includes touchscreen with control icons to control multiple features of the car. The charging of the car is scheduled based on the setting of charge limit (i.e. charging preference) and based on cost estimate for the session (i.e. first value of the dynamic attribute) displayed on the charging screen. For example, if the current cost estimate for the session is high, the user can schedule the charging to the time when the cost of the session is low (off-peak hours) as compared to current cost of the session, otherwise schedule to start the charging immediately.



Model Y, Exhibit A-1, Page 159.



Scheduled Charging and Scheduled Departure

With Model Y in Park, you can touch **Schedule** to set a daily time when you want Model Y to be ready to drive. This ensures that charging is complete and/or the cabin climate is comfortably preconditioned by your departure time.

Alternatively, you can switch to **Scheduled Charging** to specify a daily time in which you want Model Y to start charging.

NOTE: Only one of these features can be enabled. To enable **Scheduled Charging**, you must first disable **Scheduled Departure**, and vice versa.

Using Scheduled Departure

When **Scheduled Departure** is displayed, touch **Schedule** to set a daily time when you want Model Y to be ready to drive. Specify a time, then touch **Settings** to enable either or both of the following departure features:

- **Preconditioning** warms the Battery for improved performance and ensures a comfortable cabin climate at your set departure time.

  NOTE: Preconditioning operates only when the Battery's charge level is at least 20%.

- **Off-Peak Charging** automatically charges the Battery during off-peak hours to reduce energy costs. Touch **Change Off-Peak Hours** to customize the time when off-peak utility rates end.

  NOTE: Choosing **Off-Peak Charging** can reduce energy costs even in market regions where off-peak utility rates are not applicable. For example, if charging starts as soon as you plug in, charging may complete much sooner. This causes the Battery to cool down to ambient temperatures and requires energy to warm it back up by your departure time. Therefore, even if off-peak utility rates are not applicable to you, it is recommended that you set Off-Peak Hours to the same time as your departure time in order to reduce energy consumption.

  NOTE: If Model Y does not have enough time to complete charging during off-peak hours, it continues to charge until it reaches the target battery percentage.

  NOTE: If you set a departure time for charging and Model Y is not plugged in, charging is scheduled when you plug it in, provided you plug it in within six hours of the scheduled departure time. If plugged in after six hours, charging may not start until the scheduled time on the next day.

You can also choose to apply **Preconditioning** and **Off-Peak Charging** to weekdays only.

Model Y, Exhibit B-1, Page 163

150. The Accused Tesla Cars' electrical charging system transmits a control signal to a parking space charge device that starts a charging, in accordance with the charging schedule, of the vehicle.

> "Scheduled Charging: When you set a scheduled charging time, Model Y displays the set time to begin charging when you are parked at the scheduled location. If, at the scheduled time, Model Y is not plugged in at the location, charging starts as soon as you plug it in, provided you plug it in within six hours of the scheduled time. If plugged in after six hours, charging does not start until the scheduled time on the next day. To override this setting, touch Start Charging or Stop Charging." **Model Y, Exhibit A-1, Page 160.**

> "Scheduled Departure: When parked, plug in Model Y and use the Schedule settings, available on both the charging and climate control screens, to set a time when you want to precondition Model Y (see Scheduled Charging and Scheduled Departure on page 163). Your vehicle determines the appropriate time to begin charging so that charging is complete during off-peak hours and the cabin and Battery are warm by your set departure time. For more information, see Scheduled Charging and Scheduled Departure on page 163." **Model Y, Exhibit A-1, Page 82.**

151. The Accused Tesla Cars' electrical charging system includes at least one of the one or more charging preferences 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.

Model Y, Exhibit B-1, Page 162

Willful Infringement

152. Defendant has had actual knowledge of the '987 Patent and its infringement thereof at least as of service or other receipt of Plaintiff's Amended Complaint.

153. Defendant's infringement of the '987 Patent was either known or was so obvious that it should have been known to Defendant.

154. Notwithstanding this knowledge, Defendant has knowingly or with reckless disregard infringed the '987 Patent. Defendant continued to commit acts of infringement despite being on notice of an objectively high likelihood that its actions constituted infringement of Plaintiff's valid patent rights, either literally or equivalently.

155. Defendant is therefore liable for willful infringement. Accordingly, Plaintiff seeks enhanced damages pursuant to 35 U.S.C. §§ 284 and 285.

Indirect Infringement

156. Defendant has induced and is knowingly inducing its distributors, testers, trainers, customers and/or end users to directly infringe the '987 Patent, with the specific intent to induce acts constituting infringement, and knowing that the induced acts constitute patent infringement, either literally or equivalently.

157. Defendant has knowingly contributed to direct infringement by its customers and end users by having imported, sold, and/or offered for sale, and knowingly importing, selling, and/or offering to sell within the United States the accused products which are not suitable for substantial non-infringing use and which are especially made or especially adapted for use by its customers in an infringement of the asserted patent.

158. Defendant's indirect infringement includes, for example, providing data sheets, technical guides, demonstrations, software and hardware specifications, installation guides, and other forms of support that induce its customers and/or end users to directly infringe the '987 Patent, including: https://www.tesla.com/sites/default/files/model_3_owners_manual_north_america_en.pdf.

159. Defendant's indirect infringement additionally includes marketing its products for import by its customers into the United States. Defendant's indirect infringement further includes providing application notes instructing its customers on infringing uses of the Accused Tesla Cars. The Accused Tesla Cars are designed in such a way that when they are used for their intended purpose, the user infringes

the '987 Patent, either literally or equivalently. Defendant knows and intends that customers who purchase the Accused Tesla Cars will use those products for their intended purpose. For example, Defendant's United States website, https://www.tesla.com, instructs customers to use the Accused Tesla Cars in numerous infringing applications. Defendant's customers directly infringe the '987 Patent when they follow Defendant's provided instructions on websites, videos, and elsewhere. Defendant's customers who follow Defendant's provided instructions directly infringe claims of the '987 Patent.

160. In addition, Defendant specifically intends that its customers, such as United States distributors, retailers and consumer product companies, will import, use, and sell infringing products in the United States to serve and develop the United States market for Defendant's infringing products. Defendant knows following its instructions directly infringes claims of the '987 Patent, including for example Claim 10.

161. As a result of Defendant's infringement, Plaintiff has suffered monetary damages, and is entitled to an award of damages adequate to compensate it for such infringement which, by law, can be no less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

COUNT FIVE
INFRINGEMENT OF U.S. PATENT 11,990,788

162. Plaintiff incorporates by reference the allegations in preceding paragraphs as if fully set forth herein.

163. The '788 Patent, entitled "SYSTEMS AND METHODS FOR GRAPHICAL USER INTERFACE (GUI)-BASED CHARGING OF ELECTRIC VEHICLES" was filed on June 23, 2023 and claims priority to a provisional application filed on July 11, 2008 and issued on May 21, 2024.

164. Plaintiff Charge Fusion is the assignee and owner of all rights, title, and interest to the '788 Patent, including the right to recover for past infringements, and has the legal right to enforce the patent, sue for infringement, and seek equitable relief and damages.

Technical Description

165. The '788 Patent discloses and claims "[s]ystems and methods for charging electric vehicles utilizing Graphical User Interface (GUI) elements." '788 Patent, abstract.

166. The '788 Patent recognized that it may be advantageous to intelligently charge vehicles. 2:12-13.

167. In some embodiments, for example, intelligent vehicle charging may comprise receiving (e.g., from a vehicle sensor) information indicative of a presence of a vehicle in a parking space. Intelligent charging may also or alternatively comprise receiving (e.g., from a communication device) information indicative of an identifier of the vehicle, determining, based at least on the information indicative of the identifier of the vehicle, a charging schedule for the vehicle, and/or charging, in accordance with the charging schedule, the vehicle. '788 Patent, 2:13-22.

168. The '788 Patent further recognizes that intelligent qualitative load balancing for electrical loads may comprise determining an electrical load that requires electrical power, determining a plurality of available sources of electrical power, determining a characteristic of each of the plurality of available sources of power, selecting, based at least in part on the determined characteristics of the plurality of available sources of power, one or more of the available sources of power, and/or activating at least one of electrical switch to cause electrical power from the selected one or more of the available sources of power to be provided to the electrical load. '788 Patent, 2:50-62.

Direct Infringement

169. Tesla, individually and collectively as various associated business enterprises and without authorization or license from Charge Fusion, has been and is directly infringing the claims of the '788 Patent, either literally or equivalently, as infringement is defined by 35 U.S.C. § 271, including through making, using, importing, selling, and offering for sale electric cars and charging stations that, either alone, or in conjunction with each other, infringe one or more claims of the '788 Patent. Tesla, individually and collectively as various common business enterprises, develops, designs, manufactures, sells, and distributes electric cars and charging stations that either alone, or in conjunction with each other, infringe one or more claims of the '788 Patent. Tesla further provides services, including, but not limited to, charge station services that practice methods that infringe one or more claims of

the '788 Patent. Tesla is thus liable for direct infringement pursuant to 35 U.S.C. § 271.

170. Exemplary infringing products include, but are not limited to, Tesla cars such as the Model 3, Model S, Model X, Model Y and Roadster and all other substantially similar products, along with their associated charging stations ("Accused Tesla Cars").

171. Plaintiff Charge Fusion names these exemplary infringing instrumentalities to serve as notice of Tesla's infringing acts, but Plaintiff reserves the right to name additional infringing products, known to or learned by Plaintiff or revealed during discovery, and include them in the definition of '788 Accused Products.

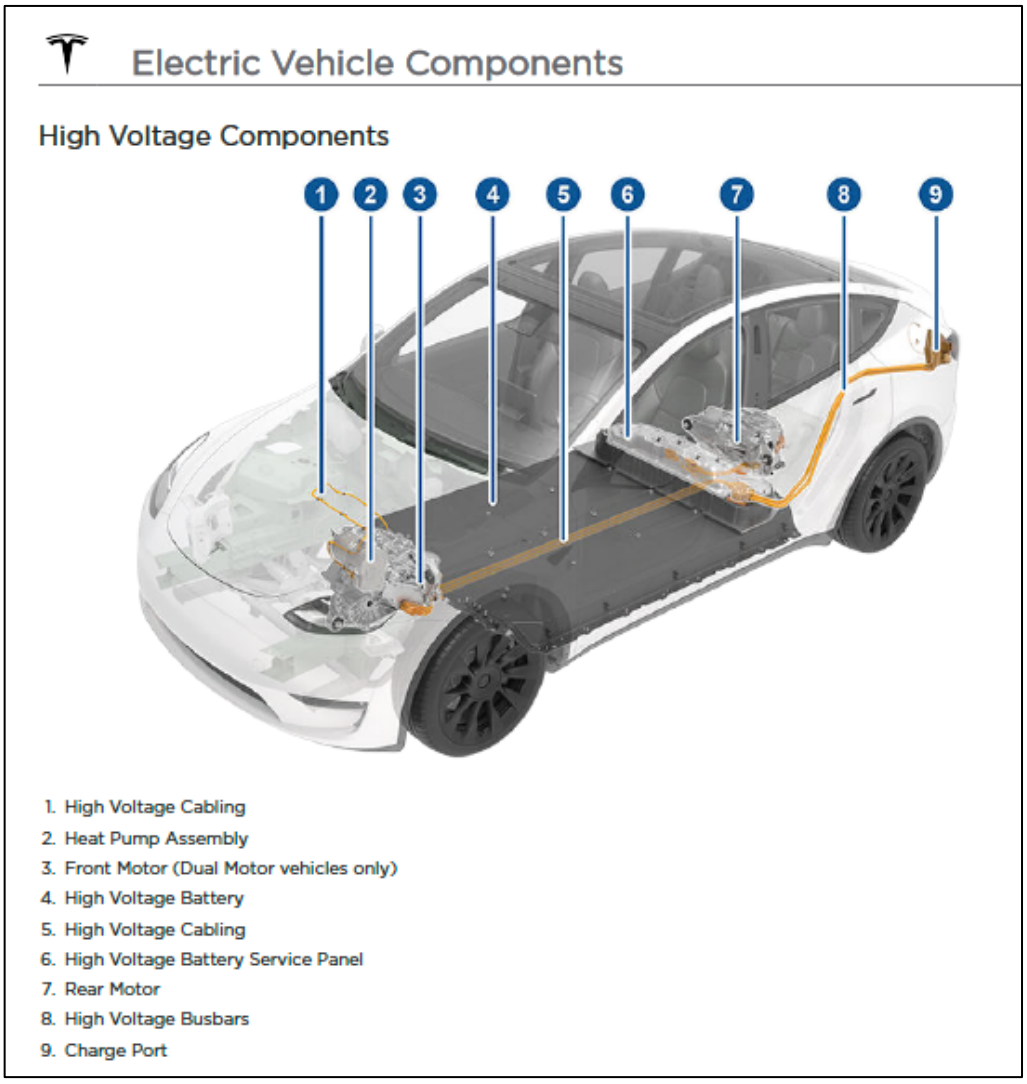
172. Tesla is liable for direct infringement pursuant to 35 U.S.C. § 271 for the manufacture, sale, offer for sale, importation, or distribution of the Tesla Accused Cars either alone, or in conjunction with associated charging stations.

173. As a result of Tesla's infringement, Charge Fusion has suffered monetary damages, and is entitled to an award of damages adequate to compensate it for such infringement which, by law, can be no less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 US.C. § 284.

174. As a result of Tesla's infringement, Charge Fusion has suffered monetary damages, and is entitled to an award of damages adequate to compensate it for such infringement which, by law, can be no less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 US.C. § 284.

175. The Accused Tesla Cars, either alone or in conjunction with the associated charging stations meet all limitations of at least Claim 1 of the '788 Patent, either literally or equivalently.

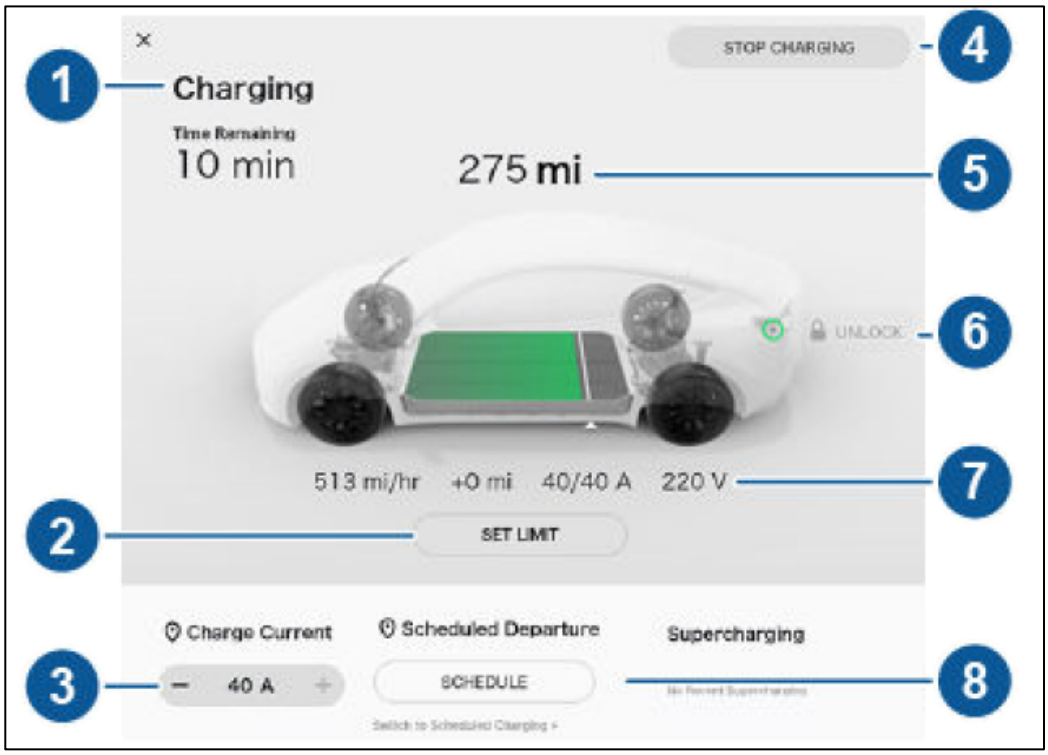
176. The Accused Tesla Cars include electrical charging system which comprises one or more processing devices; and a non-transitory memory device in communication with the one or more processing devices.



Model Y, Exhibit A-1, Page 154.

> "New User Interface: Every Model 3 and Model Y, along with legacy Model S and Model X fitted with an Intel Atom® Processor, will receive a fresh digital look that carries over design elements from our new generation Model S and Model X. Several notable features include a customizable app launcher, simplified controls menu and support for a dark mode appearance." https://www.tesla.com/blog/introducing-software-v11-0.

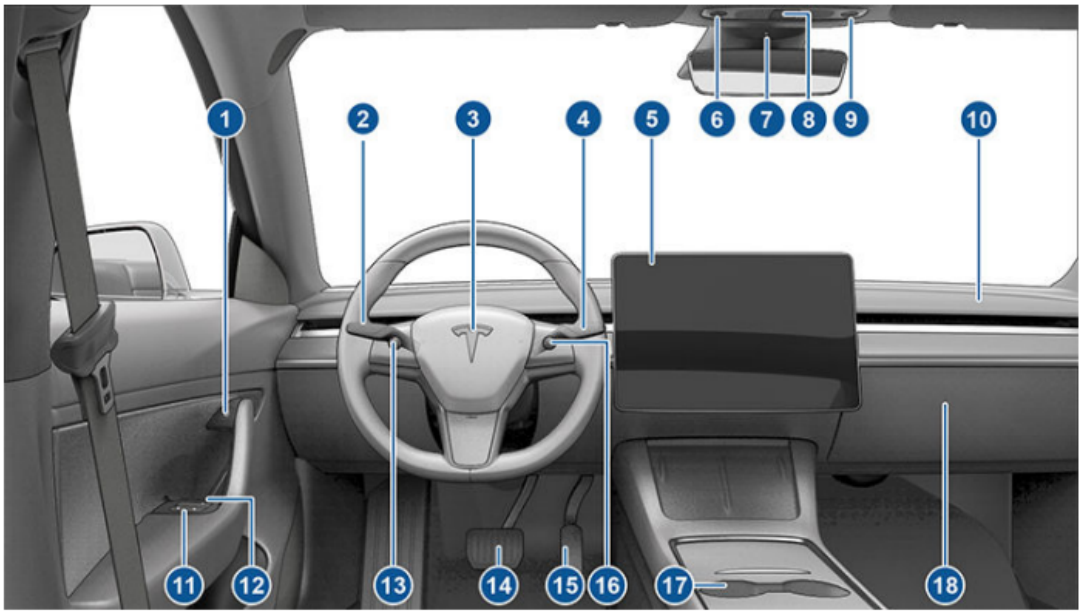
177. The non-transitory memory storing instructions that when executed by the one or more processing devices, result in receiving information indicative of a desired charge level of a battery of an electric vehicle.



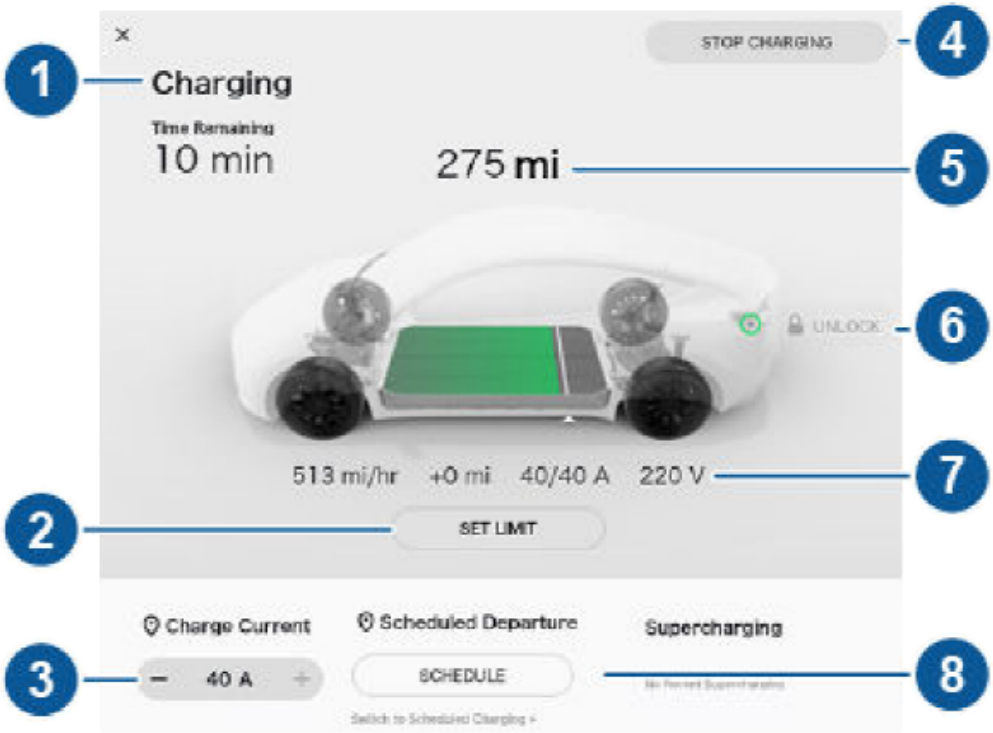
Model Y, Exhibit A-1, Page 162.

178. 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: (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.



Model Y, Exhibit A-1, P. 3.

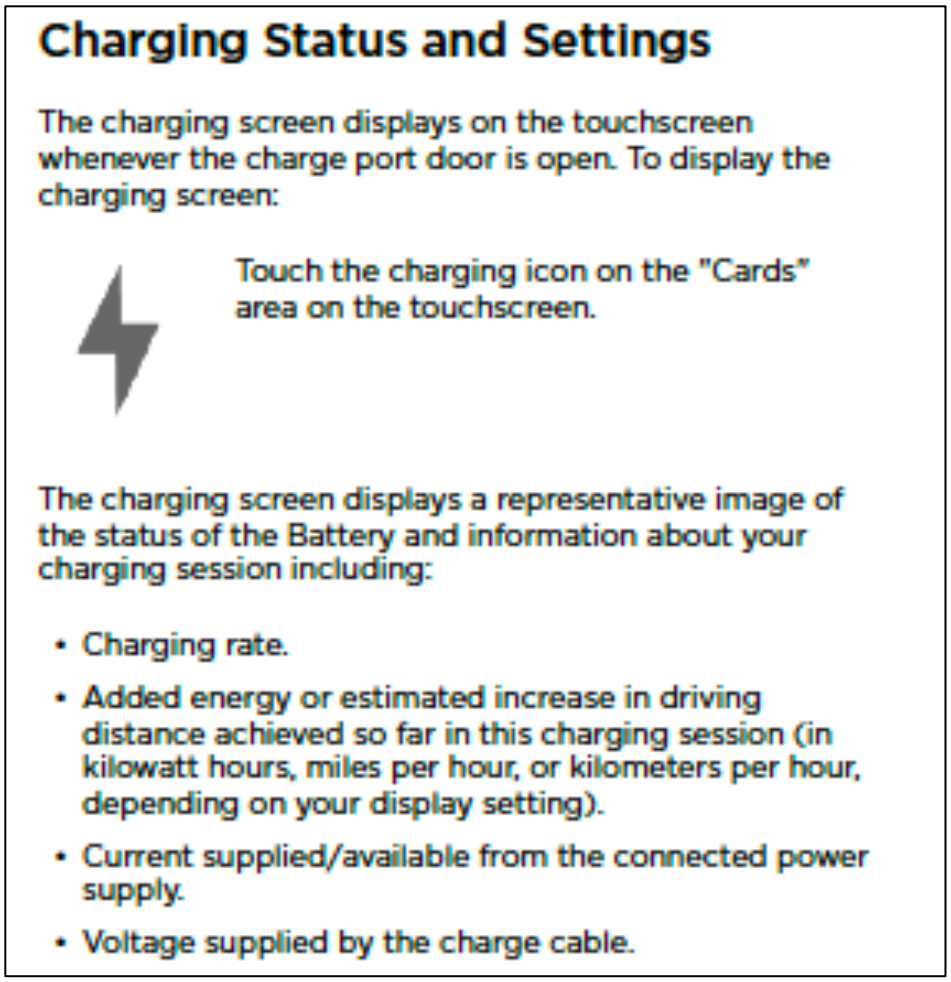


Model Y, Exhibit A-1, P. 162

179. The Accused Tesla Cars' electrical charging system displays a charging status of the electric vehicle via the GUI; and increases, in accordance with the desired charge level, a level of charge of the battery of the electric vehicle 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.

180.

Model Y, Exhibit B-1, P. 162



Charging Status and Settings

The charging screen displays on the touchscreen whenever the charge port door is open. To display the charging screen:

Touch the charging icon on the "Cards" area on the touchscreen.

The charging screen displays a representative image of the status of the Battery and information about your charging session including:

- Charging rate.
- Added energy or estimated increase in driving distance achieved so far in this charging session (in kilowatt hours, miles per hour, or kilometers per hour, depending on your display setting).
- Current supplied/available from the connected power supply.
- Voltage supplied by the charge cable.

Model Y, Exhibit B-1, P. 162

Willful Infringement

181. Defendant has had actual knowledge of the ’987 Patent and its infringement thereof at least as of service or other receipt of Plaintiff’s Amended Complaint.

182. Defendant’s infringement of the ‘987 Patent was either known or was so obvious that it should have been known to Defendant.

183. Notwithstanding this knowledge, Defendant has knowingly or with reckless disregard infringed the ‘987 Patent. Defendant continued to commit acts of

infringement despite being on notice of an objectively high likelihood that its actions constituted infringement of Plaintiff's valid patent rights, either literally or equivalently.

184. Defendant is therefore liable for willful infringement. Accordingly, Plaintiff seeks enhanced damages pursuant to 35 U.S.C. §§ 284 and 285.

Indirect Infringement

185. Defendant has induced and is knowingly inducing its distributors, testers, trainers, customers and/or end users to directly infringe the '788 Patent, with the specific intent to induce acts constituting infringement, and knowing that the induced acts constitute patent infringement, either literally or equivalently.

186. Defendant has knowingly contributed to direct infringement by its customers and end users by having imported, sold, and/or offered for sale, and knowingly importing, selling, and/or offering to sell within the United States the accused products which are not suitable for substantial non-infringing use and which are especially made or especially adapted for use by its customers in an infringement of the asserted patent.

187. Defendant's indirect infringement includes, for example, providing data sheets, technical guides, demonstrations, software and hardware specifications, installation guides, and other forms of support that induce its customers and/or end users to directly infringe the '788 Patent, including: https://www.tesla.com/sites/default/files/model_3_owners_manual_north_america_en.pdf.

188. Defendant's indirect infringement additionally includes marketing its products for import by its customers into the United States. Defendant's indirect infringement further includes providing application notes instructing its customers on infringing uses of the Accused Tesla Cars. The Accused Tesla Cars are designed in such a way that when they are used for their intended purpose, the user infringes the '788 Patent, either literally or equivalently. Defendant knows and intends that customers who purchase the Accused Tesla Cars will use those products for their intended purpose. For example, Defendant's United States website, https://www.tesla.com, instructs customers to use the Accused Tesla Cars in numerous infringing applications. Defendant's customers directly infringe the '788 Patent when they follow Defendant's provided instructions on websites, videos, and elsewhere. Defendant's customers who follow Defendant's provided instructions directly infringe claims of the '788 Patent.

189. In addition, Defendant specifically intends that its customers, such as United States distributors, retailers and consumer product companies, will import, use, and sell infringing products in the United States to serve and develop the United States market for Defendant's infringing products. Defendant knows following its instructions directly infringes claims of the '788 Patent, including for example Claim 10.

190. As a result of Defendant's infringement, Plaintiff has suffered monetary damages, and is entitled to an award of damages adequate to compensate it for such

infringement which, by law, can be no less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

V. NOTICE

191. Charge Fusion has complied with the notice requirement of 35 U.S.C. § 287. This notice requirement has been complied with by all relevant persons at all relevant times.

VI. JURY DEMAND

192. Charge Fusion demands a trial by jury of all matters to which it is entitled to trial by jury, pursuant to FED. R. CIV. P. 38.

VII. PRAYER FOR RELIEF

WHEREFORE, plaintiff Charge Fusion Technologies, LLC prays for judgment in its favor and seeks relief against defendant Tesla, Incorporated as follows:

A. That the Court determine that one or more claims of the Asserted Patents is infringed by Defendant, both literally and under the doctrine of equivalents;

B. That the Court determine that one or more claims of the Asserted Patents is indirectly infringed by Defendant;

C. That the Court determine that Plaintiffs have been irreparably harmed by Defendant's infringing activities and are likely to continue to be irreparably harmed by Defendant's continued infringement;

D. That the Court award damages adequate to compensate Charge Fusion for the patent infringement that has occurred, together with prejudgment and

post-judgment interest and costs, and an ongoing royalty for continued infringement;

E. That the Court preliminarily and permanently enjoin Tesla pursuant to 35 U.S.C. § 283;

F. That the Court award reasonable attorneys' fees; and

G. That the Court award such other relief to Charge Fusion as the Court deems just and proper.

Dated: June 5, 2024

Respectfully Submitted,

/s/ Bradley D. Liddle

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ATTORNEYS FOR PLAINTIFF CHARGE FUSION TECHNOLOGIES, LLC

CERTIFICATE OF SERVICE

The undersigned certifies that on June 5, 2024, a true and correct copy of the foregoing instrument was electronically filed with the Clerk of the Court by using the CM/ECF system, which shall send notification of such filing to all counsel of record at their email addresses on file with the Court.

/s/ Bradley D. Liddle
Bradley D. Liddle