

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

6. On information and belief, Defendant Polestar Automotive USA, Incorporated is a corporation organized under the laws of the State of Delaware, having a principal place of business at 777 Macarthur Boulevard, Mahwah, New Jersey, 07430.

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 Defendant in this action because Polestar is Delaware corporation and Defendant has committed acts within this judicial district by, among other things, offering to sell and selling products and

services that infringe the claims of the Asserted Patent. Moreover, Defendant actively directs its activities to customers located in the State of Delaware.

10. Venue is proper in this District under 28 U.S.C. §§ 1391(b)-(d) and 1400(b) in that Polestar is a Delaware corporation and Defendant has transacted business in this judicial district and has committed acts of direct and indirect infringement in this judicial district.

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 invention, 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.

**Charge Fusions’ Patents & Applications Have
Been Cited by the USPTO Over 300 Times**

21. The grandparent patent application that ultimately resulted in Charge Fusion’s Asserted Patent was first published on January 21, 2010 (US 2010/0017249 A1). Since that time Charge Fusion’s 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. Polestar has been on notice of Charge Fusion’s ’753 Patent since at least February 28, 2022, based on a letter sent to Polestar on that date.

IV. COUNT OF PATENT INFRINGEMENT

24. Charge Fusion alleges that Polestar has infringed and continues to infringe the claims of United States Patent No. 10,998,753 (the “753 Patent”) (Exhibit A) (“Asserted Patent”).

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

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

26. The '753 Patent, entitled "SYSTEMS AND METHODS FOR CHARGING ELECTRIC VEHICLES" was filed on September 4, 2020, issued on May 4, 2021, and claims priority to US Provisional Patent Application No. 61/134,646, filed on July 11, 2008, as well as intervening US patent applications.

27. 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

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

29. The '753 Patent recognized that it may be advantageous to intelligently charge vehicles. '753 Patent, Col. 2, lines 5-6.

30. 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, Col. 2, lines 6-15

31. 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, Col. 2, lines 32-45.

Direct Infringement

32. Polestar, 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 that infringe one or more claims of the '753 Patent. Polestar, individually and collectively as various common business enterprises, develops, designs, manufactures, sells, and distributes electric cars that either alone, or in conjunction with each other, infringe one or more claims of the '753 Patent. Polestar is thus liable for direct infringement pursuant to 35 U.S.C. § 271.

33. Exemplary infringing products include, but are not limited to, fully electric Polestar cars such as the Polestar2 and Polestar3 and other substantially similar products. (“Accused Polestar Cars”).

34. Plaintiff Charge Fusion names these exemplary infringing instrumentalities to serve as notice of Polestar’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 Accused Polestar Cars.

35. Polestar is liable for direct infringement of at least claim 1 of the ’753 Patent pursuant to 35 U.S.C. § 271 for the manufacture, sale, offer for sale, importation, or distribution of the Polestar Accused Cars either alone, or in conjunction with associated charging stations, as described in the following paragraphs.

36. Polestar’s Polestar 2 car is a non-limiting example of an electrical charging system which comprises one or more processing devices.

37. Upon information and belief, the Polestar 2 vehicle includes one or more processing devices having embedded applications to build routes.

<https://www.polestar.com/us/polestar-support/how-to-videos/polestar-2/how-to-find-polestar-2-charging-stations-with-google-maps/> (Exhibit B);

<https://www.polestar.com/global/electric-driving/going-on-long-trips/> (Exhibit C).

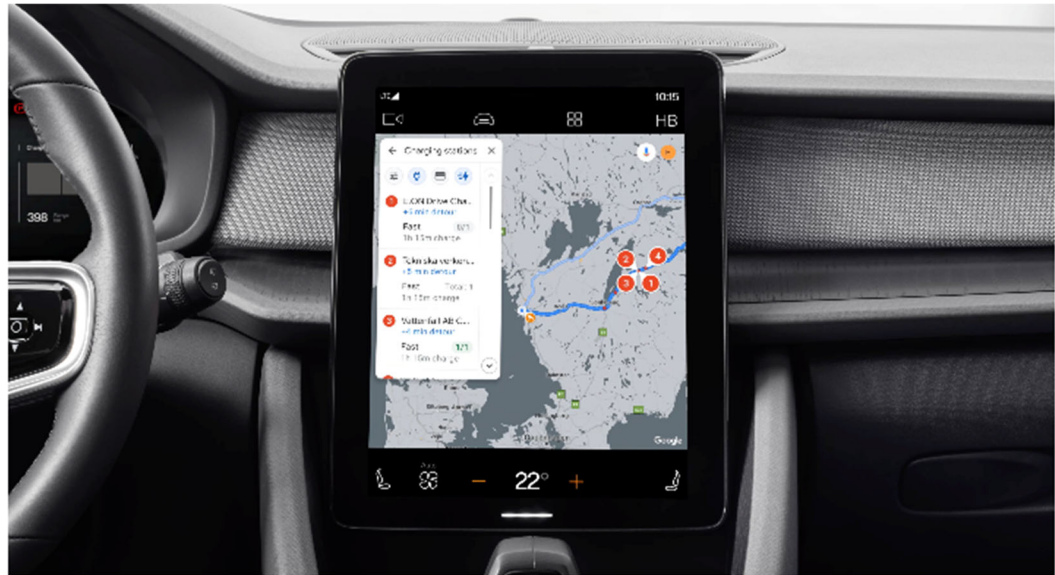
38. The Polestar 2 car comprises a non-transitory memory device in communication with one or more processing devices, the non-transitory memory

storing instructions that when executed by one or more of the processing devices, result in receiving information indicative of the starting location of the electric vehicle. Further, the Polestar 2 car receives information indicative of a charging location of each of a plurality of electric charge providers.

<https://www.polestar.com/us/polestar-support/how-to-videos/polestar-2/how-to-find-polestar-2-charging-stations-with-google-maps/> (Exhibit B)



<https://www.polestar.com/us/polestar-support/how-to-videos/polestar-2/how-to-find-polestar-2-charging-stations-with-google-maps/> (Exhibit B at 0:33).



Battery-friendly route planning on the go

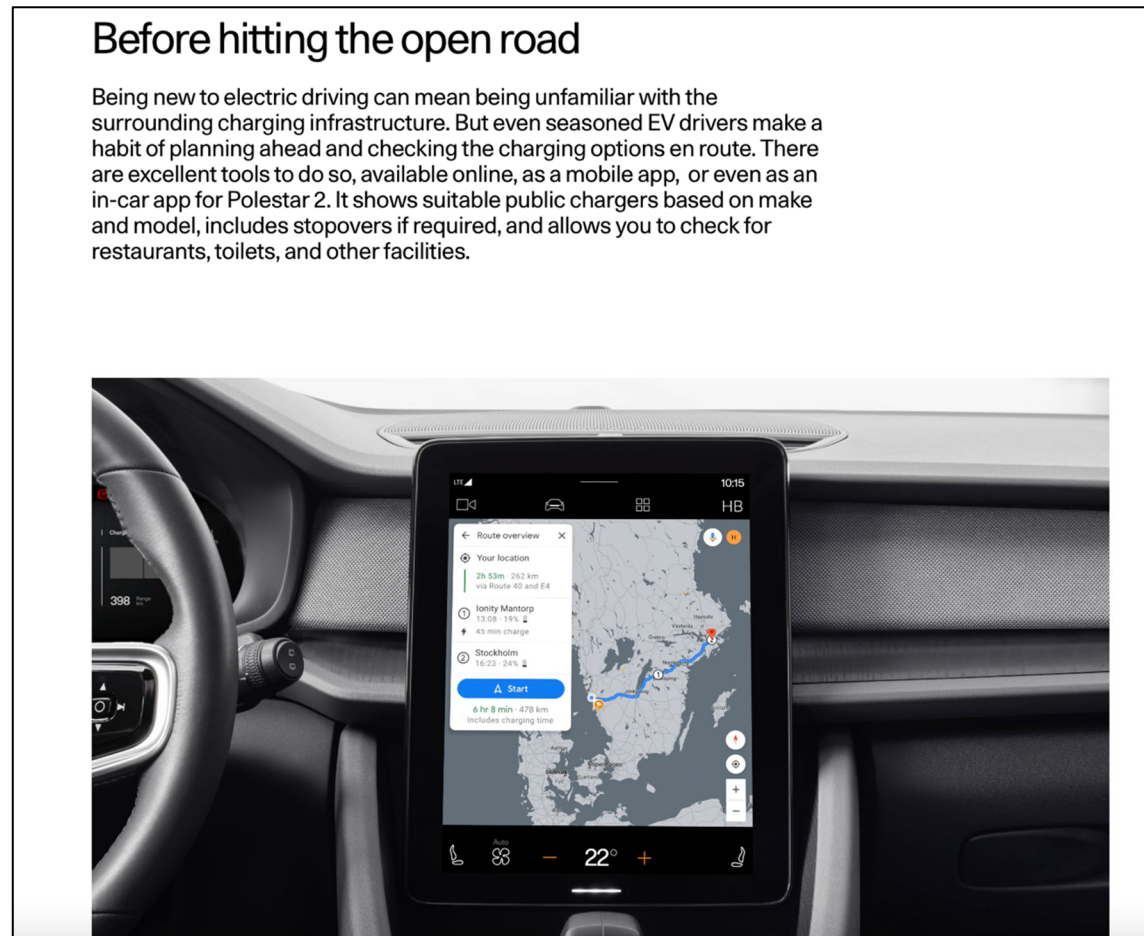
Once the trip is underway, Google Maps is the route planner of choice. Just enter a destination, and it will display charging points along the way, optimised for getting to your destination as fast as possible. The integrated version that comes standard with Polestar 2 even checks the battery level and plans the route and charging stops accordingly.

<https://www.polestar.com/global/electric-driving/going-on-long-trips/> (Exhibit C)

39. The Polestar 2 car is an electrical charging system, which computes, based at least in part on the starting location, the desired destination, and the charging locations of one or more of a plurality of electric charge providers, a charging schedule for the electric vehicle, with the charging schedule comprising a scheduled start time and an indication of a scheduled stop time for charging the electric vehicle at each of the one or more of the plurality of charging locations and a sequence defining an order in which the electric vehicle at each of one or more of the plurality of charging locations and a sequence defining an order of the plurality of charging

locations and a sequence defining an order in which the electric vehicle is to be charged at each of the one or more of the plurality of charging locations, wherein a first charging location of the sequence 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.

40. For example, the Polestar 2 application computes a charging schedule showing the order of stopping at a plurality of charge stations each having a scheduled start time and stop time.

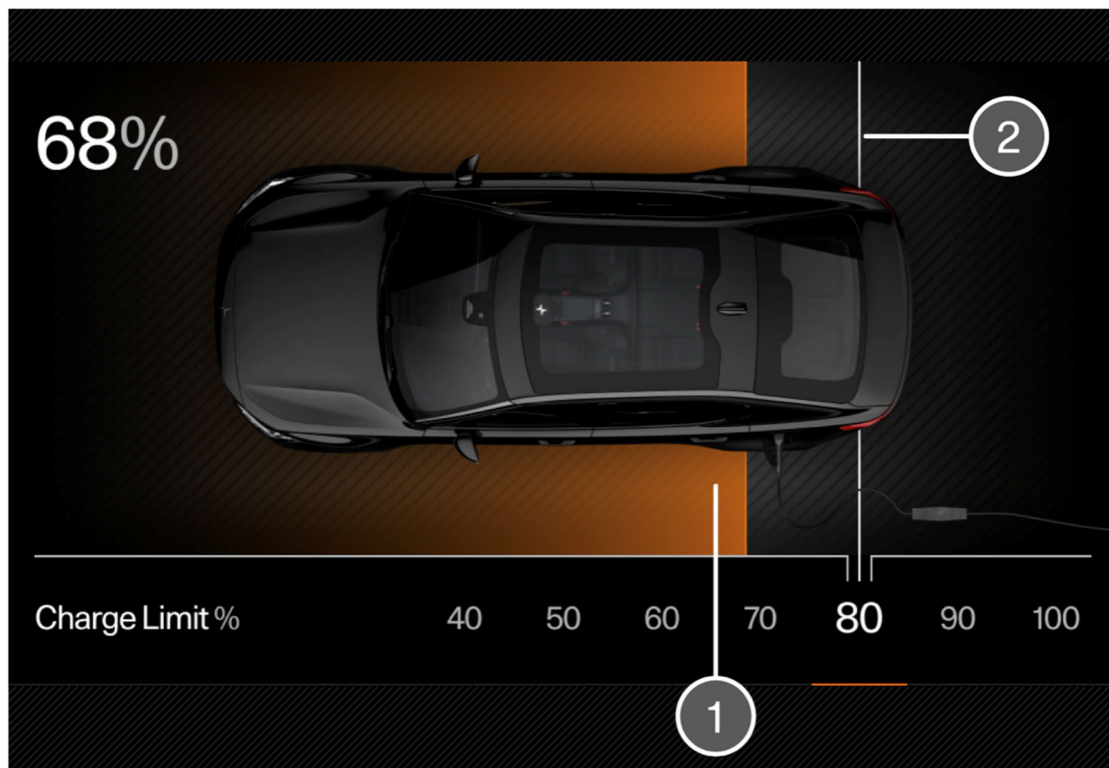


<https://www.polestar.com/global/electric-driving/going-on-long-trips/> (Exhibit C)

41. The Polestar 2 vehicle displays the charging status of a vehicle via a graphical user interface that is part of said vehicle. Further the Polestar 2 vehicle increases the charge of the battery in accordance with the charging schedule.

42. The Polestar 2 further allows users to select the amount of desired charge through 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. *See Polestar 2 Handbook Full August 2020, page 366.*

Setting charge level



See <https://www.polestar.com/global/electric-driving/going-on-long-trips/> (Exhibit C).

43. By virtue of its use of the methods and systems disclosed in the '753 Patent, Polestar has been able to avoid or delay the expense estimated by various industry observers in 2017 to be between \$250M and \$8.0 billion dollar associated with building of a nation-wide charging infrastructure for supporting its vehicles' distance travels and addressing consumers' range anxiety associated with the purchase or potential purchase of a Polestar vehicle.

44. As a result of Polestar'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 U.S.C. § 284.

45. The Accused Polestar Cars, either alone or in conjunction with the associated charging stations located around the United States meet all limitations of at least Claim 1 of the '753 Patent, either literally or equivalently.

INDIRECT INFRINGEMENT

46. Defendant has induced and is knowingly inducing its customers and/or end users to directly infringe the '753 Patent, with the specific intent to encourage such infringement, and knowing that the induced acts constitute patent infringement, either literally or equivalently.

47. Polestar's indirect infringement includes, for example, providing manuals and other forms of support to direct their customers and/or end users to directly infringe the '753 Patent. Polestar's indirect infringement additionally includes marketing their products for import by their customers into the United

States. The Accused Polestar 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. Polestar knows and intends that customers who purchase the Accused Polestar Cars will use those products for their intended purpose. For example, Polestar's United States website instructs customers to use the Accused Polestar Cars in numerous infringing applications, such as using a charging schedule to charge to a desired amount of charge at a partnered charging station.¹

48. 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.

49. 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

50. 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.

¹ https://www.polestar.com/us/electric-driving/electrify-america?gclid=Cj0KCQjw94WZBhDtARIsAKxWG-9aBt-fh6Ctjg6SUxrRITFLKwf7Yf6XV0nkgjjSGkz3TUyJhO2fugaAivEEALw_wcB (Exhibit D).

V. JURY DEMAND

51. 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.

VI. PRAYER FOR RELIEF

WHEREFORE, plaintiff Charge Fusion Technologies, LLC prays for judgment in its favor and seeks relief against Defendant Polestar Automotive USA, Incorporated as follows:

- A. That the Court determine that one or more claims of the Asserted Patent is infringed by the Accused Polestar Cars, both literally and under the doctrine of equivalents;
- B. That the Court determine that one or more claims of the '753 Patent is indirectly infringed by defendant Polestar's Accused Polestar Cars;
- C. 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;
- D. That the Court preliminarily and permanently enjoin Polestar pursuant to 35 U.S.C. § 283;
- E. That the Court award reasonable attorneys' fees; and
- F. That the Court award such other relief to Charge Fusion as the Court deems just and proper.

Dated: October 20, 2022

Respectfully Submitted,

/s/ Dennis J. Butler

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