

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SHARKNINJA OPERATING LLC,
SHARKNINJA MANAGEMENT LLC, AND
SHARKNINJA SALES COMPANY,
Petitioner,

v.

BISSELL INC.,
Patent Owner.

IPR2022-01175
Patent 10,925,455 B1

Before BENJAMIN D. M. WOOD, NEIL T. POWELL, and
CARL M. DEFRANCO, *Administrative Patent Judges*.

POWELL, *Administrative Patent Judge*.

JUDGMENT
Final Written Decision
Determining All Challenged Claims Unpatentable
35 U.S.C. § 318(a)

I. INTRODUCTION

A. Background and Summary

BISSELL Inc. (“Bissell”) is the owner of U.S. Patent No. 10,925,455 B1 (Ex. 1001, “the ’455 patent”). SharkNinja Operating LLC, SharkNinja Management LLC, and SharkNinja Sales Company (collectively, “SharkNinja”) filed a Petition (Paper 1, “Pet.”) requesting *inter partes* review of claims 1–20 of the ’455 patent. Bissell filed a preliminary response (Paper 6, “Prelim. Resp.”). Pursuant to 35 U.S.C. § 314, an *inter partes* review of claims 1–20 of the ’455 patent was instituted on all presented challenges. Paper 12. Bissell filed a response (Paper 14, “PO Resp.”), SharkNinja filed a reply (Paper 22, “Pet. Reply”), and Bissell followed with a sur-reply (Paper 23, “PO Sur-Reply”). We held an oral hearing on October 31, 2023, a transcript of which is in the record. Paper 39 (“Hrg. Tr.”).

We have jurisdiction under 35 U.S.C. § 6. This Final Written Decision is entered pursuant to 35 U.S.C. § 318(a). For the reasons below, we determine that SharkNinja demonstrates by a preponderance of the evidence that challenged claims 1–20 are unpatentable as anticipated under 35 U.S.C. § 102.

B. Real Parties in Interest

SharkNinja asserts that “real parties-in-interest are Petitioners SharkNinja Operating LLC, SharkNinja Management LLC, and SharkNinja Sales Company . . . , as well as EP Midco LLC and SharkNinja (Hong Kong) Company Limited.” Pet. vii. SharkNinja also identifies “JS Global Lifestyle Company Limited as a real party-in-interest in an abundance of caution.” *Id.*

Bissell asserts that BISSELL Inc. is the real party in interest, but also identifies BISSELL Homecare, Inc. in “an abundance of caution.” Paper 4, 2 (Bissell’s Mandatory Notices).

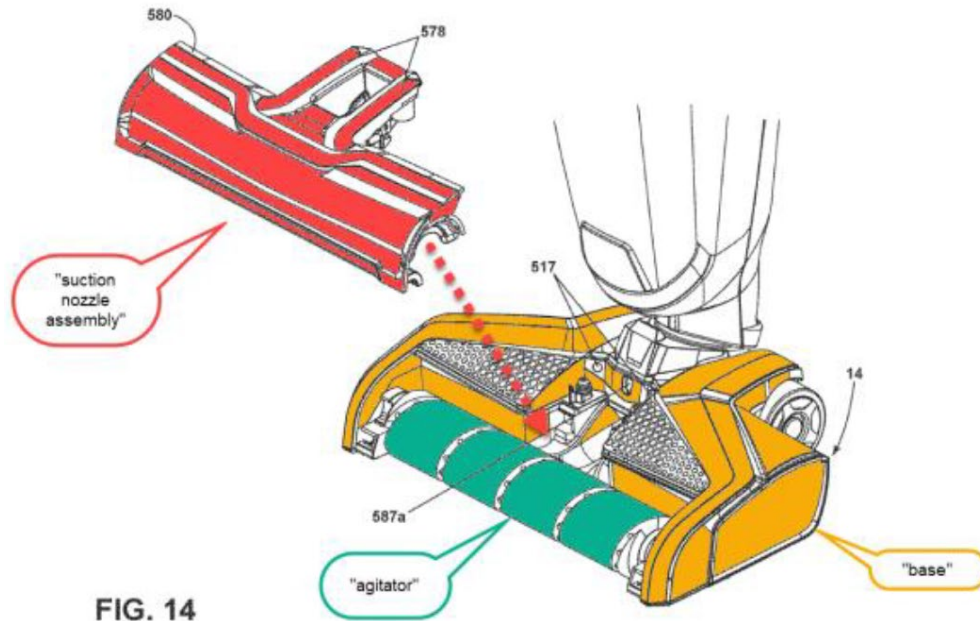
C. Related Matters

In addition to the instant Petition, SharkNinja also filed petitions challenging two related Bissell patents, namely, U.S. Patents 11,096,541 B2 (“the ’541 patent”) (IPR2022-01176) and 11,096,542 B2 (IPR2022-01177). *See* Pet. vii.

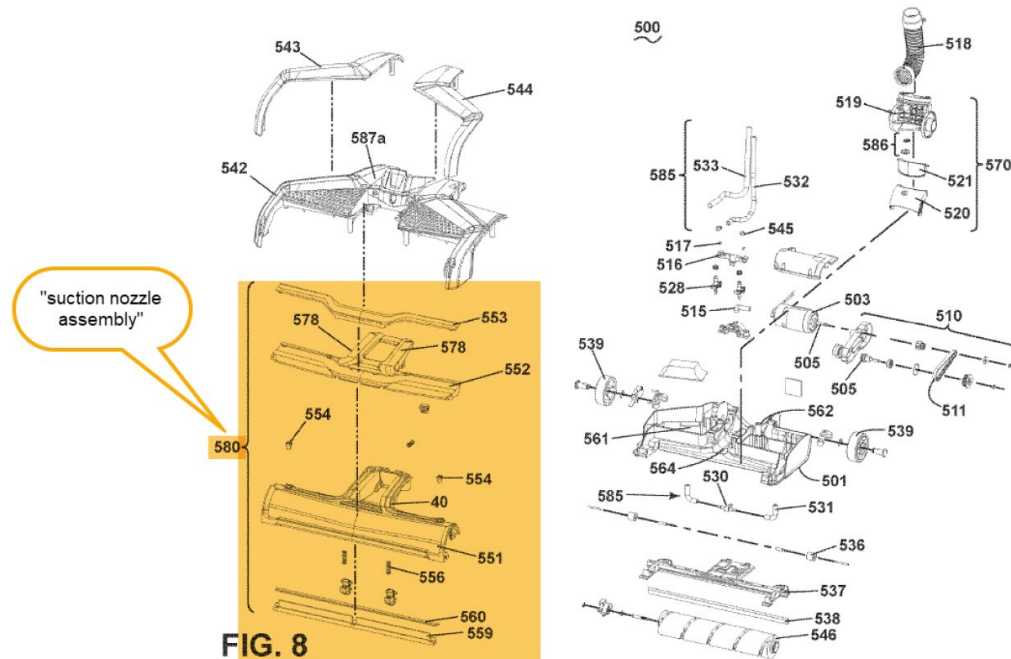
The ’541 patent is also the subject of an infringement action in *BISSELL Inc. v. Tineco Intelligent Technology Co., Ltd.*, No. 1:22-cv-00150 (D. Del.), filed May 20, 2022. *See* IPR2022-01176, Paper 4, 2. More notably, the ’541 patent is the subject of International Trade Commission Investigation No. 337-TA-1304, filed by Bissell against Tineco (“the related ITC proceeding”), which resulted in issuance of an “Initial Determination,” by Chief Administrative Law Judge (“ALJ”) Clark S. Cheney. *See* Ex. 2007 (“Initial Determination,” dated Mar. 23, 2023 (public version)). There, the ALJ found that “Tineco did *not prove* by clear and convincing evidence that claims 1 and 13 of the ’541 patent are invalid under § 102 or § 103.” *Id.* at 154 (emphasis added).

D. The ’455 Patent

The ’455 patent is directed to a multi-surface vacuum cleaning apparatus that includes a suction nozzle assembly provided on the base in fluid communication with a suction source. Ex. 1001, 1:43–50. Bissell’s (PO Resp. 18) annotated Figure 14 of the ’455 patent, reproduced below, depicts the various components of the vacuum cleaning apparatus.



As shown above, the vacuum cleaning apparatus comprises a suction nozzle assembly, a base, and an agitator. The suction nozzle assembly includes, for example, a nozzle housing, nozzle cover, fluid delivery channels, fluid dispensers, spray tips, a nozzle cover, and wipers. *Id.* at 8:11–34. Bissell’s (Prelim. Resp. 7, reproduced in Pet. Reply 12) annotated Figure 8 of the ’455 patent, reproduced below, depicts the exemplary parts of the suction nozzle assembly.



As shown above, annotated Figure 8 is an exploded view of the suction nozzle assembly (highlighted), as well as the base and agitator of the cleaning apparatus. According to the '455 patent, the suction nozzle assembly enhances cleaning in two ways. First, the suction nozzle assembly draws “soiled cleaning fluid and dirt” into the apparatus for simultaneous disposal. Ex. 1001, 14:58–62. The dual removal of fluid and dirt by the suction nozzle assembly works to “prevent streaking on the surface as well as to prevent dry debris scatter while agitator is activated.” *Id.* at 2:51–61. Second, the suction nozzle assembly enhances fluid distribution by providing fluid delivery channels 40 with spray tips 554 mounted horizontally along the suction nozzle assembly 580 “in order to wet the entire length of the brushroll 546.” *Id.* at 11:40–53.

E. Illustrative Claims

Claim 1, reproduced below, is the sole independent claim and is reproduced below with emphasis added to identify the limitations disputed by Bissell:

1. A surface cleaning apparatus, comprising:
 - a housing including an upright handle assembly and a base operably coupled to the upright handle assembly and adapted for movement across a surface to be cleaned;
an agitator mounted within the base;
 - a suction source;
a suction nozzle assembly provided on the base and defining a suction nozzle in fluid communication with the suction source;
 - a fluid delivery system provided on the housing and comprising:
 - a fluid supply chamber adapted to hold a supply of liquid;
a fluid dispenser provided on the base in fluid communication with the fluid supply chamber; and
 - a fluid delivery pathway between the fluid supply chamber and the fluid dispenser; and
 - a dual wiper configuration provided with the base and comprising a first wiper adapted to contact the agitator and a second wiper adapted to contact the surface to be cleaned.

Ex. 1001, 16:6–27 (emphases added).

F. Prior Art and Asserted Grounds

Claims Challenged	35 U.S.C. §	Reference(s)/Basis
1–20	102	Beskow ¹
1–20	103	Beskow
1–20	103	Beskow, Li ²

In further support of these challenges, SharkNinja submits the declaration of Richard Figliola, Ph.D. *See* Ex. 1003. Bissell responds with

¹ US 7,979,952 B2, iss. July 19, 2011 (Ex. 1004).

² US 10,136,781 B2, iss. Nov. 27, 2018, filed Oct. 10, 2015 (Ex. 1005).

the declaration of Craig R. Forest, Ph.D. *See* Ex. 2001.

II. ANALYSIS

A. Level of Ordinary Skill in the Art

SharkNinja submits that one skilled in the art would have had “a Bachelor’s degree in Mechanical Engineering (or an equivalent discipline) or equivalent work experience, and at least one year’s worth of experience in research, design and/or development related to vacuum cleaners (or other comparable industrial design).” Pet. 14. Bissell does not dispute SharkNinja’s proposed definition of the level of skill in the art, and we see no reason to question it. Accordingly, we adopt the level of skill in the art as defined by SharkNinja.

B. Claim Construction

We apply the claim construction standard set forth in *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312–13 (Fed. Cir. 2005) (en banc). That is, “the words of a claim ‘are generally given their ordinary and customary meaning’ . . . that the term would have to a person of ordinary skill in the art in question at the time of the invention.” *Id.* at 1312–13; *see also* 37 C.F.R. § 42.100(b). Here, SharkNinja maintains that “no construction of any claim term is necessary” because the challenged claims are unpatentable “under any reasonable construction.” Pet. 4–5.

Bissell, in turn, argues that the claim limitation “a suction nozzle assembly provided on the base” should be construed to mean that the suction nozzle assembly is “positioned on” the base and that the suction nozzle assembly and base, as claimed, “cannot be the same component.” PO Resp. 17–18; *see also* Hrg. Tr. 29:9–17 (Bissell’s counsel explaining that the ordinary meaning of “provided on” is “positioned on”). In support, Bissell points to the specification of the ’455 patent, arguing that it “consistently

depicts the claimed ‘suction nozzle assembly’ as an assembly that is distinct from, and mounted ‘on’ the claimed ‘base.’” PO Resp. 18–19 (citing Ex. 1001, 10:52–58, Fig. 14). According to Bissell, “[t]here is *no disclosure* in the ’455 patent in which the claimed ‘base’ is disclosed as *part of* the ‘suction nozzle assembly.’” *Id.* at 20 (emphasis added).

We disagree with Bissell that, as claimed, the suction nozzle assembly *must be* a separate and distinct component from the base. Although we agree that “provided on the base” may be construed to mean that the suction nozzle assembly is a separate and distinct component positioned on, or attached to, the base, we also conclude that “provided on the base” may be construed more broadly to mean that the suction nozzle assembly is *part of* the base or *included in* the base. That broader meaning comports with the specification of the ’455 patent and the plain and ordinary meaning of the term “provided on.”

Specifically, the specification of the ’455 patent explains that “[t]he base 14 *includes* a foot assembly 500,” and, in turn, “[f]oot assembly 500 *includes* a removable suction nozzle assembly 580.” Ex. 1001, 4:19–20, 5:44–45 (emphases added). Figures 1 and 8 of the ’455 patent, reproduced below with our annotations, depict just such an arrangement, with Figure 1 showing foot assembly 500 as part of base 14 (as opposed to handle 12), and Figure 8 showing suction nozzle assembly 580 as part of the overall structure of foot assembly 500 that, in turn, is part of base 14.

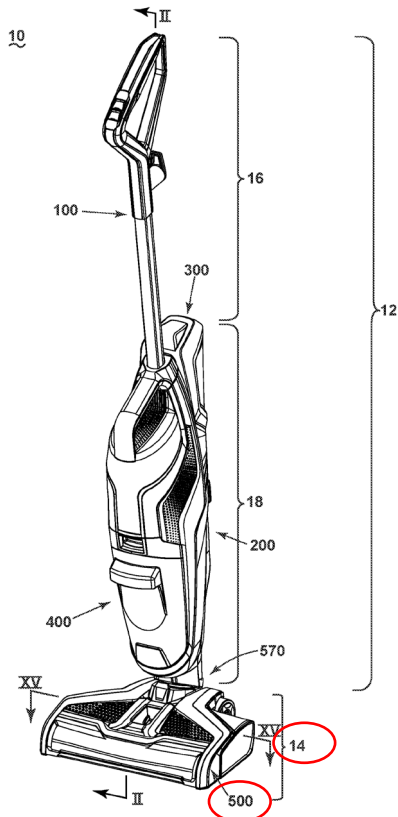


FIG. 1

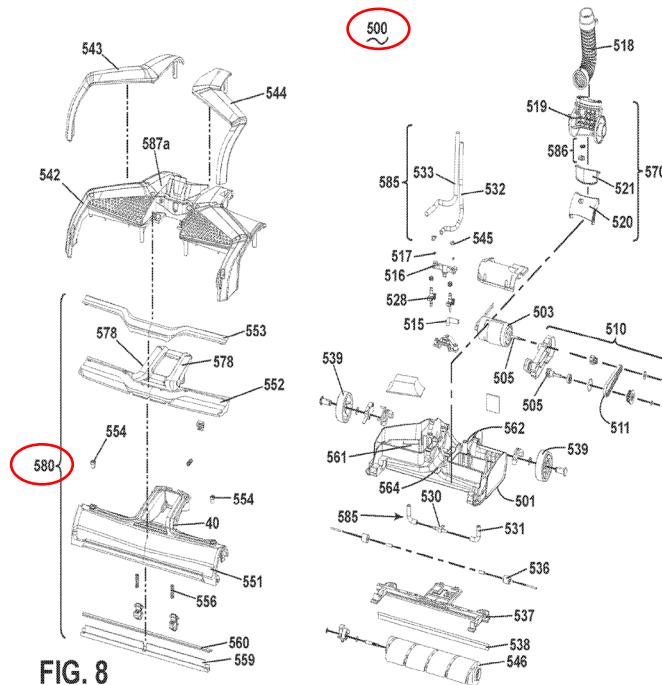


FIG. 8

From those disclosures, it follows that if suction nozzle assembly 580 is part of foot assembly 500, and foot assembly 500 is part of base 14, then suction nozzle assembly 580 must also be part of base 14. Indeed, Bissell's own expert agrees: "If the base 14 includes a foot assembly 500 and then the foot assembly includes something, then that would in turn be *part of the base*. That's the plain and ordinary meaning of that." Ex. 1010, 49:5–9 (emphasis added). Moreover, Bissell's expert agrees that "[w]hen the suction nozzle assembly is provided on the base, it is *included in the base*." *Id.* at 45:1–3 (emphasis added). Indisputably, the term "include" means "to take in or comprise as *part of a whole*" or "to contain between or within."³

³ *Merriam-Webster's Collegiate Dictionary*, 10th ed. (2000), at 587 (Ex. 3001).

Indeed, consistent with that plain and ordinary meaning, the specification of the '455 patent discloses that, as shown in Figures 8 and 11, upper cover 542 of foot assembly 500 is “configured to releasably receive the suction nozzle assembly 580.” Ex. 1001, 7:62–8:10; *see also id.* at 10:48–50 (“A latch mechanism 587 is provided at the rearward portion of suction nozzle assembly 580 and is configured to be *received in* the upper cover 542 (FIG. 8).” (emphasis added)). That disclosure, in our view, means that suction nozzle assembly is not only positioned on foot assembly 500, but it is also *included in* foot assembly 500 via the suction nozzle assembly’s attachment to upper cover 542, which indisputably is part of base 14. *Id.* at 4:19–20.

Thus, consistent with the specification and the plain and ordinary meaning of “provided on,” we construe the claim limitation “a suction nozzle assembly provided on the base” to encompass not only the suction nozzle assembly being “positioned on the base,” as Bissell argues, but also being “part of the base” or “included in the base,” as SharkNinja contends and Bissell’s expert agrees.⁴

We are not persuaded by Bissell’s reliance on *Becton, Dickinson & Co. v. Tyco Healthcare Grp., LP*, 616 F.3d 1249, 1254 (Fed. Cir. 2010), *HTC Corp. v. Cellular Comms. Equipment, LLC*, 701 F. App’x 978 (Fed. Cir. 2017), and *Kyocera Senco Indus. Tools Inc. v. Int’l Trade Comm’n*, 22 F.4th 1369, 1382 (Fed. Cir. 2022), to argue that the suction nozzle assembly

⁴ We note that the claim language further supports this construction by defining that claim 1’s recitation of “a fluid dispenser provided on the base” also encompasses the fluid dispenser being “in the base,” as recited by dependent claim 6. *Compare* Ex. 1001, 16:20, *with id.* at 16:43–44.

must be “separate and distinct” from the base because those elements are listed separately in the claim. PO Resp. 15–16; *see also* Hrg. Tr. 27:1–24 (discussing same). Although those cases hold that separately-listed claim elements may give rise to a presumption that those elements are separate and distinct, they also recognize that the presumption may be overcome where the specification indicates that the elements can be the same structure. *See Becton, Dickinson*, 616 F.3d at 1254 (“[T]he *only elements* disclosed in the specification as ‘spring means’ for urging the guard forward are separate structures from the hinged arm and its hinges.” (emphasis added)); *HTC*, 701 F. App’x at 982 (“The specification nowhere gives an example of a single structure performing both functions.”); *Kyocera*, 22 F.4th at 1382 (“Nor is there any language in the written description that overcomes the presumption.”).

Indeed, in *Becton, Dickinson*, the claimed “spring means” and “hinged arm” were considered separate structural components because “nothing in the specification” indicated otherwise. *Becton, Dickinson*, 616 F.3d at 1254–55. That is clearly not the case here. As discussed above, the specification of the ’455 patent clearly contemplates that the suction nozzle assembly is part of the base. Moreover, in the related ITC proceeding involving the ’541 patent (which is a continuation of the ’455 patent) and the same counsel, Bissell argued for just such a construction of the same claim language, as summarized by the presiding judge—

BISSELL, on the other hand, presented expert testimony that “*the plain and ordinary meaning of [suction nozzle assembly] and base does not require that two claimed elements comprise physically-separate components in a product.*” CIB at 14 (citing Tr. (Singhose) at 154:11–20). In BISSELL’s view, the “patents’ specification contemplates just such an embodiment.” *Id.* at 14; *see also id.* at 6–9. *BISSELL thus maintains that the*

alleged suction nozzle assembly can simultaneously be a part of the base and be provided on the base.

Ex. 2007, 40 (emphases added). Thus, we fail to see how either *Becton, Dickinson* and its progeny mandate disregarding the words of the specification and/or the admissions of Bissell (from its expert in this proceeding and its counsel in the related ITC proceeding).⁵

C. Anticipation by Beskow

1. Claim 1

We begin with SharkNinja’s challenge that claim 1 is unpatentable as anticipated by Beskow. *See* Pet. 14–36. In challenging claim 1, SharkNinja submits a detailed mapping, supported by expert testimony, of how Beskow satisfies each of the recited claim elements. *See id.* at 20–36 (citing Ex. 1003 ¶¶ 68–96).

Bissell responds by disputing SharkNinja’s showing of how Beskow discloses three claim elements: “a suction nozzle assembly provided on the base and defining a suction nozzle,” “a fluid dispenser provided on the base,” and “an agitator mounted within the base.” *See* PO Resp. 6–26; PO Sur-Reply 3–5, 18–21. Bissell does not dispute SharkNinja’s showing as to

⁵ Nowhere do we discern that the ALJ in the related ITC proceeding analyzed the relevant disclosures of the ’541 patent, which are the same as the disclosures of the ’455 patent that we discuss here, before concluding that *Kyocera* and *Becton, Dickinson* support a construction of “provided on the base” that requires the suction nozzle assembly be “separate and distinct” from the base. *See* Ex. 2007, 40–42. Instead, the ALJ focused on the specification’s disclosure that “suction nozzle assembly 580” and “foot conduit” can be “molded,” without analyzing what we believe to be the more pertinent disclosures stating that the base includes the foot assembly, which, in turn, includes the suction nozzle assembly, as we discuss above. As such, we consider the ALJ’s analysis in this regard to be incomplete.

the remaining elements of claim 1, including the claimed “dual wiper configuration.” *See generally* PO Resp.; PO Sur-Reply. Thus, our analysis focuses on whether Beskow discloses the claim elements in dispute.

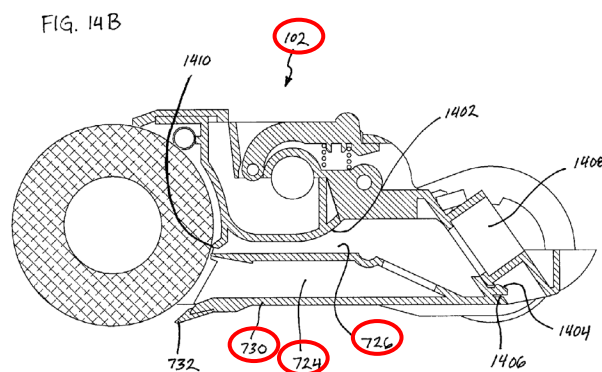
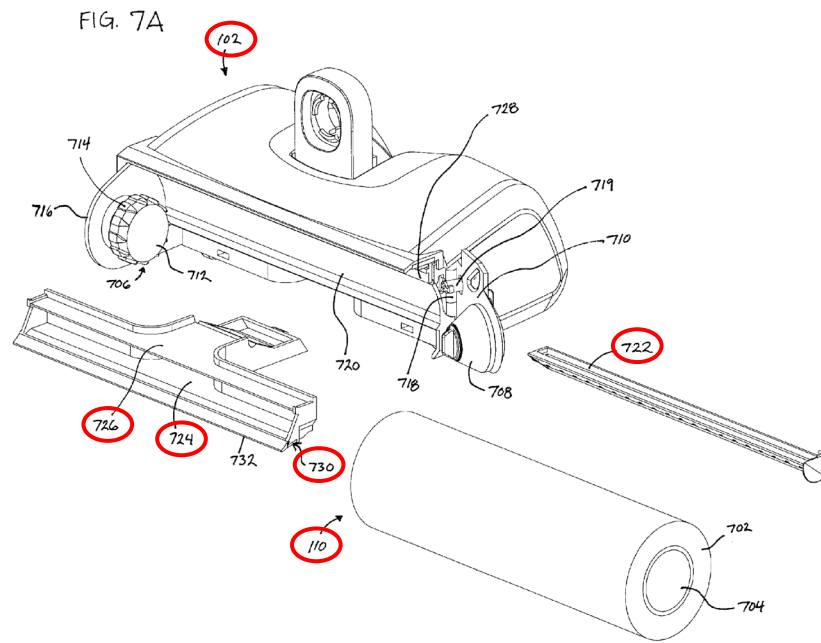
a) “*a suction nozzle assembly provided on the base*”

To meet the claimed “suction nozzle assembly,” SharkNinja points to Beskow’s disclosure of “a base (cleaning head 102) having a suction nozzle assembly with suction nozzles (debris inlet 724 and/or fluid inlet 726) in fluid communication with the suction source (vacuum source 108).”⁶

Pet. 25. SharkNinja cites Beskow’s Figures 7A and 14B, reproduced below with our annotations, to assert that, “when tray 730 (made of debris inlet 724 and fluid inlet 726) is assembled *with cleaning head 102, along with agitator 110 and fluid distributor 722*,” collectively these components “form an assembly, defining a suction pathway, that is ‘provided on’ the base.”

Pet. Reply 4–5 (citing Pet. 25–26, 49–50; Ex. 1003 ¶ 77).

⁶ Beskow discloses that fluid inlet 726 may be formed as “an enclosed passageway,” as compared to the open-top passageway depicted in Figures 7A and 14B. Ex. 1004, 20:34–35.



In further support, SharkNinja’s expert testifies that “debris inlet 724 and fluid inlet 726 comprise air passages through the cleaning head 102 that lead from *the area adjacent the agitator 110 to a cleaning head outlet 1408*,” and that one skilled in the art would have understood that “[t]he nozzles formed by the debris inlet and the fluid inlet are *part of the ‘suction nozzle assembly’ as claimed.*” Ex. 1003 ¶ 77 (citing Ex. 1004, Fig. 7A, 14A, 14B) (emphases added).

Bissell advances several related arguments in disputing Beskow’s disclosure of “a suction nozzle assembly provided on the base,” as claimed. *See* PO Resp. 6–28. All of its arguments, however, rely on an overly narrow

and improper interpretation of the claims. For instance, Bissell points to SharkNinja's mapping of Beskow's cleaning head 102 to both the claimed "base" and the claimed "suction nozzle assembly," and argues that Beskow's cleaning head 102 cannot be part of the suction nozzle assembly that is "provided on the base," as claimed, because "a component cannot be considered 'provided on' itself." *See id.* at 17–18. According to Bissell, "the claim language—that the suction nozzle assembly be 'provided *on*' the base, necessitates that the 'suction nozzle assembly' and 'base' be two separate and distinct components (*i.e.*, because one has to be provided 'on' the other)." *Id.* at 7; *see also id.* at 17 ("the claims do not allow the same components to be used to show both the 'suction nozzle assembly' as well as the claimed 'base,' 'agitator' and 'fluid dispenser'"). With that premise in mind, Bissell contends that "[SharkNinja's] mapping is counter-logical because it would require that [SharkNinja's] defined 'suction nozzle assembly' of Beskow be provided on itself." *Id.* at 7–8; *see also id.* at 17–18 (essentially same).

We find unpersuasive Bissell's assertion that Beskow's suction nozzle assembly is not "provided on the base," as claimed. *See* PO Resp. 7–10, 17–21. That is because Bissell's assertion that the suction nozzle assembly, as claimed, must be a physically separate component from the base relies on an improper claim construction. As discussed above, we construe "a suction nozzle assembly provided on the base" to encompass not only a suction nozzle assembly that is "positioned on" the base, as Bissell asserts, but also one that it is "part of" the base or "included in" the base." To that end, Beskow discloses that "debris and fluid inlets 724, 726 may be formed entirely or partially as a removable inlet tray 730" and "may be separately removable from the cleaning head 102, integral to or not removable from the

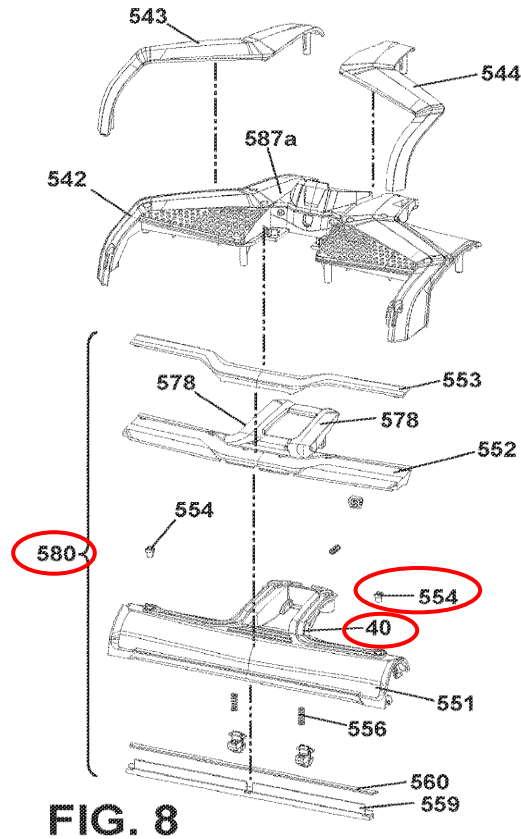
cleaning head 102.” Ex. 1004, 20:6–7, 20:29–32. That the debris and fluid inlet portions of Beskow’s suction nozzle assembly are removably attached to Beskow’s cleaning head 102 (i.e., the claimed “base”) necessarily means they are “positioned on” and “included in” the base under the proper construction of “provided on the base.” Indeed, Beskow’s disclosure is no different than the preferred embodiment of the ’455 patent, where suction nozzle assembly 580 “is configured to be *received in* the upper cover 542,” which indisputably is part of “base 14.” Ex. 1001, 10:48–50, Fig. 8 (emphasis added); *see also id.* at 8:9–10 (“Upper cover 542 can be configured to releasably receive the suction nozzle assembly 580.”). Thus, we find that Beskow satisfies the claim limitation of “a suction nozzle assembly provided on the base.”

b) “*a suction nozzle assembly . . . defining a suction nozzle*”

Bissell also faults SharkNinja for relying on Beskow’s fluid distributor 722 to satisfy part of the claimed “suction nozzle assembly.” *See* PO Resp. 24–25. According to Bissell, “Beskow’s fluid distributor 722 has nothing to do with suction, let alone define a suction nozzle as the claims require” and, instead, only “distributes fluid,” which “is the opposite of suction.” *Id.*

We do not find this argument persuasive for the simple reason that claim 1 does not require that the suction nozzle assembly *as a whole* “defin[e] a suction nozzle” to the exclusion of other parts of the assembly. In other words, as claimed, only *some* aspect of the suction nozzle assembly must define a suction nozzle, not necessarily every aspect of the assembly. Indeed, SharkNinja’s inclusion of Beskow’s fluid distributor as part of the suction nozzle assembly is no different than the manner in which the claimed “fluid dispenser” is depicted and described in the ’455 patent.

Specifically, Figure 8 of the '455 patent, reproduced below (with our annotations), shows fluid dispenser 554 as part of *suction nozzle assembly 580*. See Ex. 1001, Fig. 8.



Likewise, the accompanying description in the '455 patent indicates that fluid dispenser 554 is an integral part of suction nozzle assembly 580, despite having a fluid delivery function as opposed to a suction function.

Suction nozzle assembly 580 can be configured to include at least one inlet nozzle for recovering fluid and debris from the surface to be cleaned and at least one outlet for delivering fluid to the surface to be cleaned. In one example, suction nozzle assembly 580 can include a nozzle housing 551 and a nozzle cover 552 which mate to form a pair of fluid delivery channels 40 therebetween that are each fluidly connected to a spray connector 528 at one terminal end. At the opposite, or second terminal, end of each fluid delivery channel 40, a fluid dispenser

554 is configured with at least one outlet to deliver fluid to the surface to be cleaned.

Id. at 8:11–22 (emphases added).

Just as the '455 patent depicts and describes fluid dispenser 554 as part of suction nozzle assembly 580, so too does Beskow. As explained above, when Beskow's tray 730 (formed by debris inlet 724 and fluid inlet 726) is assembled along with cleaning head 102, agitator 110, and fluid distributor 722, the complete assembly defines "a suction nozzle in fluid communication with a suction source," as claimed. *See* Ex. 1003 ¶¶ 77, 122, 124. Thus, we reject the notion that, just because Beskow's fluid distributor 722 functions to distribute fluid, it cannot be relied on to satisfy, in part, the claimed "suction nozzle assembly."

c) "a fluid dispenser provided on the base"

Bissell disputes SharkNinja's showing that Beskow discloses "a fluid dispenser provided on the base," as also recited in claim 1. Similar to its argument for the claimed "suction nozzle assembly," Bissell argues that "the claims require a 'fluid dispenser' that is distinct from and positioned on the claimed 'base,'" whereas "Beskow's fluid distributor 722 is mounted on Beskow's *cleaning head 102*." PO Resp. 21–22. So, according to Bissell, because SharkNinja contends that "Beskow's cleaning head 102 is part of the claimed 'suction nozzle assembly,'" then Beskow's fluid distributor 722 cannot also be "provided on the base," as required by claim 1. *Id.* at 22–23.

We disagree. Indisputably, Beskow discloses that fluid distributor 722 is mounted on agitator chamber 720 of cleaning head 102, which SharkNinja maps to the claimed "base." *See* Pet. 28 (citing Ex. 1004, 16:8–14, 16:65–17:2, Fig. 7A). That SharkNinja also relies on agitator chamber 720 as forming a part of the claimed "suction nozzle assembly"

does not preclude SharkNinja from relying on that same part of cleaning head 102 to meet the claimed “base” on which fluid distributor 722 is mounted. In other words, nothing in the claim language or the specification of the ’455 patent precludes one component (Beskow’s base 102) from serving two purposes (a surface for mounting the fluid dispenser and a portion of the suction nozzle assembly for helping collect debris). As such, we find that Beskow’s fluid distributor 722 being mounted on cleaning head 102 clearly satisfies the claim limitation of “a fluid dispenser provided on the base.”

d) “*an agitator mounted within the base*”

Bissell also faults SharkNinja for relying on Beskow’s agitator 110 to meet both the claimed “agitator mounted within the base,” and, in part, the claimed “suction nozzle assembly provided on the base.” PO Resp. 25. According to Bissell, “[t]his mapping is impermissible because the same component cannot be both the agitator mounted *within* the base and the suction nozzle assembly provided *on* the base.” *Id.* We disagree.

Bissell’s argument with respect to the agitator is similar to Bissell’s previously rejected argument that Beskow’s cleaning head 102 cannot satisfy both the claimed “base” and the claimed “suction nozzle assembly.” Indisputably, Beskow meets the claim limitation of “an agitator mounted within the base” by expressly disclosing that “agitator 110 may be mounted in a concave portion of the cleaning head 102 that forms an agitator chamber 720.” Ex. 1004, 16:8–14, Figs. 1A, 7A. The dispute, according to Bissell, arises from SharkNinja’s additional mapping of Beskow’s agitator 110 to the claimed “suction nozzle assembly.” *See* Pet. 25–26. But nothing in the claim language or the specification of the ’455 patent precludes one claimed component (the agitator) from also constituting part

of another claimed component (the suction nozzle assembly). In fact, the specification of the '455 patent explains that the “agitator can be provided adjacent to the suction nozzle for agitating the surface to be cleaned *so that the debris is more easily ingested into the suction nozzle.*” Ex. 1001, 3:54–57 (emphasis added). Thus, the specification contemplates that the agitator helps the suction nozzle perform its suction function, confirming that it can be “mounted within the base” while also constituting part of the suction nozzle assembly “provided on the base,” as claim 1 requires. As such, we reject Bissell’s attempt to hold Beskow’s agitator to a different standard. Instead, we find that Beskow’s disclosure of mounting agitator 110 within agitator chamber 720 of cleaning head 102 fully satisfies the claim limitation of “an agitator mounted within the base.”

e) Conclusion

As discussed above, SharkNinja persuasively shows that Beskow teaches or suggests the disputed elements of claim 1. Bissell does not otherwise dispute SharkNinja’s showing of how Beskow teaches the other elements of claim 1, including the “dual wiper” element. *See* PO Resp. 17, 21, 25 (identifying three claim elements in dispute). As such, we need not expressly address the sufficiency of SharkNinja’s showing as to any *undisputed* claim elements. *See In re NuVasive, Inc.*, 841 F.3d 966, 974 (Fed. Cir. 2016) (“The Board, having found the only disputed limitations together in one reference, was not required to address undisputed matters.”); *see also* Paper 13 8 (warning that “any arguments not raised in the response may be deemed waived”). Nonetheless, because SharkNinja bears the burden of persuasion, we have reviewed the Petition and find that it fully supports SharkNinja’s showing that Beskow teaches or suggests the undisputed claim elements in addition to those explicitly discussed above,

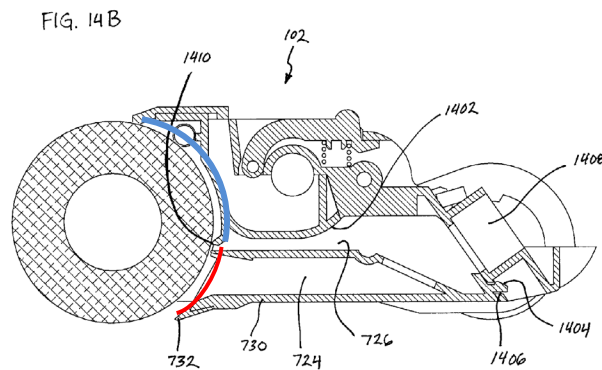
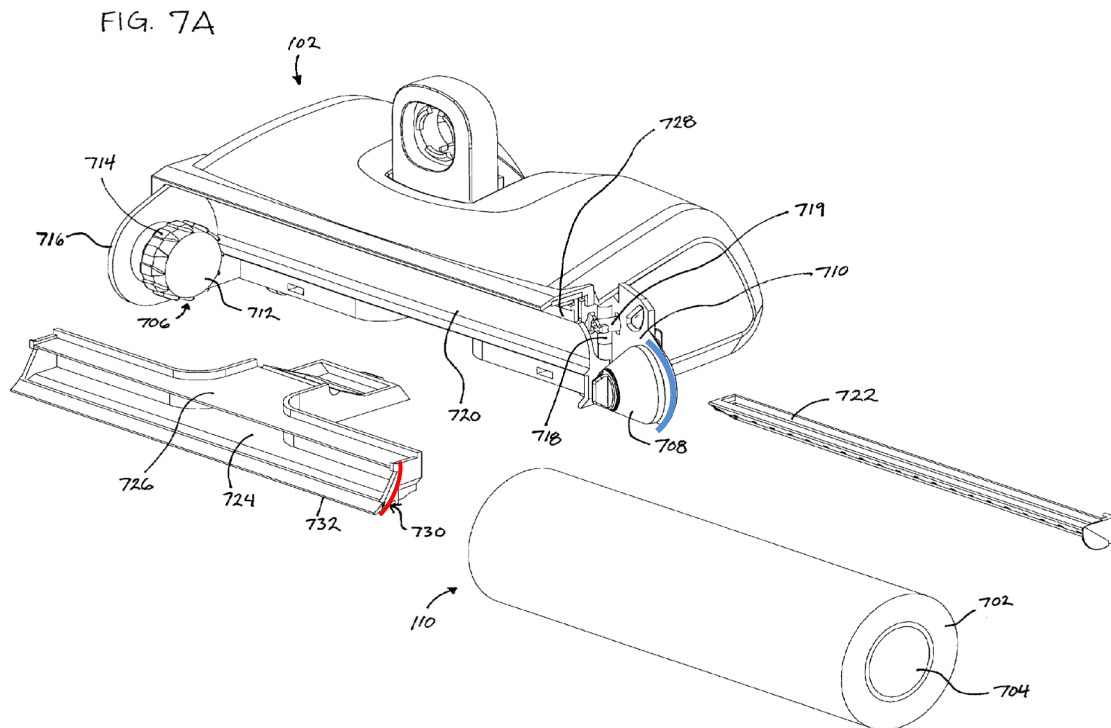
the elements arranged as in the claim. *See* Pet. 20–36; *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 1458 (Fed. Cir. 1984). Thus, we conclude that SharkNinja demonstrates by a preponderance of the evidence that claim 1 of the ’455 patent is unpatentable as anticipated by Beskow.

2. *Dependent Claims 11–13*

Bissell argues that, to the extent SharkNinja relies “solely” on Beskow’s debris inlet 724 and fluid inlet 726 to meet the claimed “suction nozzle assembly,” then the Petition fails to demonstrate the unpatentability of dependent claims 11–13. PO Resp. 28. But, as explained above, that is not the case. Instead, SharkNinja relies *collectively* on Beskow’s debris inlet 724, fluid inlet 726, agitator chamber 720 of cleaning head 102, agitator 110, and fluid distributor 722 as constituting the suction nozzle assembly. *See* Pet. 25; Pet. Reply 3–5; *see also* PO Resp. 6–9 (acknowledging SharkNinja’s reliance on this assembly of components for the claimed “suction nozzle assembly”). Thus, it is the *assembly* of those components that discloses the elements of dependent claims 11–13.

For instance, claim 11 requires that “the suction nozzle assembly defines a chamber at least partially housing the agitator.” Beskow expressly discloses that “agitator 110 may be mounted in a concave portion of the cleaning head 102 [i.e., corresponding to the claimed “base”] that forms *an agitator chamber 720*.” Ex. 1004, 16:8–10 (emphasis added). Moreover, Beskow explains that “agitator chamber 720 also may include other devices, such as a fluid distributor 722, a debris inlet 724, and a fluid inlet 726.” *Id.* at 16:12–14. As previously explained, Beskow’s suction nozzle assembly indisputably includes removable inlet tray 730, as formed by debris and fluid inlets 724 and 726. Beskow’s Figures 7A and 14B, with our

annotations and reproduced below, depict how the suction nozzle assembly defines agitator chamber 720.



As shown, removable inlet tray 730 is provided with concave surface (annotated in red) for defining the lower portion of agitator chamber 720 and cleaning head 102 and fluid distributor 722 are likewise provided with a concave surface (annotated in blue) for defining the upper portion of agitator chamber 720. *Id.* at Figs. 7A, 14B; *see also id.* at Fig. 12 (depicting fluid distributor 722 with concave surface 1202). Thus, Beskow's suction nozzle assembly, i.e., debris inlet 724, fluid inlet 726, cleaning head 102, and fluid

distributor 722, define a “chamber at least partially housing the agitator,” as required by dependent claim 11.

Claim 12 requires “at least one fluid delivery channel forming a portion of the fluid delivery pathway, the at least one fluid delivery channel provided on the suction nozzle assembly.” As previously explained, Beskow’s fluid distributor 722 is part of the suction nozzle assembly, and, as Beskow discloses, “fluid distributor 722 may comprise a removable manifold having an *internal channel 1202* that extends partially or entirely across the width of the agitator 110.” Ex. 1004, 16:40–43 (emphasis added), Fig. 12; *see also* Pet. 51. Thus, we are persuaded that Beskow discloses “at least one fluid delivery channel provided on the suction nozzle assembly,” as required by claim 12.

Claim 13 requires that “at least a portion of the at least one fluid delivery channel is an integrated fluid delivery channel forming a portion of the fluid delivery pathway.” For meeting this claim element, SharkNinja again points to Beskow’s disclosure that fluid distributor 722 “may comprise a removable manifold having an *internal channel 1202* [i.e., integrated] that extends partially or entirely across the width of the agitator 110.” Ex. 1004, 16:40–45 (emphasis added). Beskow also teaches that “the fluid distributor may be formed integrally with the cleaning head.” *Id.* at 17:14–15. Those disclosures support that the fluid delivery channel in Beskow’s fluid distributor 722 is “integrated,” as required by claim 13.

In sum, we find that Beskow anticipates dependent claims 11–13. We are not persuaded by Bissell’s arguments to the contrary.

3. *Remaining Dependent Claims*

Bissell does not dispute SharkNinja’s showing that Beskow teaches the elements of dependent claims 2–10 and 14–20, all of which depend

directly or indirectly from claim 1. *See* PO Resp. 28–32 (arguing separately only dependent claims 11–13). As such, we need not expressly address the sufficiency of SharkNinja’s showing as to any *undisputed* claim elements. *See In re NuVasive*, 841 F.3d at 974 (“The Board, having found the only disputed limitations together in one reference, was not required to address undisputed matters.”). In any event, we find that the record fully supports SharkNinja’s showing that Beskow teaches or suggests all the elements of dependent claims 2–10 and 14–20, arranged as in the respective claims. *See* Pet. 36–49, 52–60. Thus, we conclude that SharkNinja demonstrates by a preponderance of the evidence that dependent claims 2–10 and 14–20 of the ’455 patent are unpatentable as anticipated by Beskow.

D. SharkNinja’s Additional Grounds

SharkNinja also challenges claims 1–20 as being rendered obvious by either Beskow alone or the combined teachings of Beskow and Li. *See* Pet. 3. Bissell responds that SharkNinja’s showing for these challenges fails “for the same reasons discussed with respect to Ground 1.” PO Resp. 33–34. Because we determine that claims 1–20 are unpatentable as anticipated by Beskow, we need not address whether those same claims are unpatentable under SharkNinja’s additional grounds. *See SAS Inst. Inc. v. Iancu*, 138 S. Ct. 1348, 1359 (2018) (holding that petitioner “is entitled to a final written decision addressing all of the claims it has challenged”); *Boston Scientific Scimed, Inc. v. Cook Grp. Inc.*, 809 F. App’x 984, 990 (Fed. Cir. 2020) (non-precedential) (recognizing that the “Board need not address issues that are not necessary to the resolution of the proceeding” and, thus, has “discretion to decline to decide additional instituted grounds once the petitioner has prevailed on all its challenged claims”).

III. CONCLUSION

Claims	35 U.S.C. §	References/Basis	Claims Shown Unpatentable	Claims Not Shown Unpatentable
1–20	102	Beskow	1–20 ⁷	
1–20	103	Beskow		
1–20	103	Beskow, Li		
Overall Outcome			1–20	

IV. ORDER⁸

Accordingly, it is:

ORDERED that that claims 1–20 of the ’455 patent have been proven to be unpatentable; and

FURTHER ORDERED that, because this is a Final Written Decision, any party seeking judicial review of this Decision must comply with the notice and service requirements of 37 C.F.R. § 90.2.

⁷ As noted above, because we find that claims 1–20 are unpatentable as anticipated by Beskow, we do not address whether those same claims are unpatentable under SharkNinja’s other grounds.

⁸ Should Bissell wish to pursue amendment of the challenged claims in a reissue or reexamination proceeding subsequent to the issuance of this decision, we draw Bissell’s attention to the April 2019 Notice Regarding Options for Amendments by Patent Owner Through Reissue or Reexamination During a Pending AIA Trial Proceeding, 84 Fed. Reg. 16,654 (Apr. 22, 2019). If Bissell chooses to file a reissue application or a request for reexamination of the challenged patent, we remind Bissell of its continuing obligation to notify the Board of any such related matters in updated mandatory notices. *See* 37 C.F.R. §§ 42.8(a)(3), (b)(2).

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