

IPR2023-01322
U.S. Patent No. 10,433,687

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SHARKNINJA, INC., SHARKNINJA OPERATING LLC,
SHARKNINJA MANAGEMENT LLC, AND
SHARKNINJA SALES COMPANY,

Petitioners,

v.

DYSON TECHNOLOGY LIMITED,

Patent Owner.

IPR2023-01322
U.S. Patent No. 10,433,687

**PETITIONERS' AND PATENT OWNER'S
JOINT REQUEST FOR ORAL HEARING**

Mail Stop **Patent Board**
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to 37 C.F.R. § 42.70(a), 35 U.S.C. § 316(a)(10), and the Board's February 27, 2024 Scheduling Order (Paper 7), Petitioners and Patent Owner jointly respectfully request oral argument in this proceeding as set forth below. Under the Scheduling Order, oral argument for this proceeding is currently set for December 5, 2024 and it is also set for another proceeding involving the same parties – IPR2023-01324 on the same date. The patents at issue in this proceeding and in IPR2023-01322 are not related and the Patent Owner, Dyson Technology Limited, is represented by different counsel between the two proceedings. Accordingly, Petitioners and Patent Owner jointly proposes the following format for each proceeding:

The parties propose that the hearing on the above-referenced IPR2023-01322 proceeds first for 90 total minutes, with each side being permitted up to 45 minutes of time in total between opening presentation and rebuttal/sur-rebuttal time. Then, the parties propose that the Board hear argument on IPR2023-01324 for 90 total minutes, with each side being permitted up to 45 minutes of time in total between opening presentation and rebuttal/sur-rebuttal time. The parties request rebuttal time for Petitioner and sur-rebuttal time for Patent Owner.

Location: While Petitioners would prefer a hearing in person in Alexandria, Virginia, Patent Owner requests a remote proceeding. Pursuant to the Scheduling Order entered in this matter, the parties met and conferred on October 15 by

telephone but did not reach agreement. Further, pursuant to to the Scheduling Order, which states that “PTAB will only conduct an in-person hearing when requested by all parties,” Paper 8 at 7, and since both parties are not requesting an in-person hearing, the Parties understand that the hearing will likely be held remotely.

Request for Oral Argument in IPR2023-01322

The parties propose the following issues to be argued (without any intent to waive considerations of any issue not requested):

1. Whether claims 1–4, 8, and 10 of U.S. Patent No. 10,433,687 (“the ’687 patent”) are unpatentable as obvious over U.S. Patent Publication No. 2011/0314630 (“Conrad’630”) in view of U.S. Patent Publication No. 2016/0174787 (“Conrad’787”).
2. Whether claims 1–4, 8, and 10 of the ’687 patent are unpatentable as obvious over Conrad’630 in view of Int’l Publication No. WO 2008/009888 (“Dyson”).
3. Whether claims 1–4, 8, and 10 of U.S. Patent No. 10,433,687 (“the ’687 patent”) are unpatentable as obvious over EP Publication No. 1,199,023 (“Matsumoto”) in view of Conrad’787.

4. Whether claims 1–4, 8, and 10 of U.S. Patent No. 10,433,687 (“the ’687 patent”) are unpatentable as obvious over Matsumoto in view of Dyson.
5. Claim interpretations and any other subsidiary issues relevant to issues 1–4 above;
6. Any motions to exclude filed by Patent Owner or Petitioner;
7. Response to the Parties’ presentation on all matters; and
8. Any other issues issued or briefed through the trial or that the Board deems necessary for issuing a final written decision.

Request for Oral Argument in IPR2023-01324

The parties propose the following issues to be argued (without any intent to waive considerations of any issue not requested) for IPR2023-01322:

1. Whether claims 26–28 of U.S. Patent No. 9,414,662 (“the ’662 patent”) are unpatentable as anticipated by U.S. Patent Application Publication No. 2013/0111777 (“Jeong”).
2. Whether claims 26–28 of the ’662 patent are unpatentable as anticipated by Japanese Patent Application Publication No. JP S 60-249907 (“Yoshida”).
3. Whether claims 26–28 of the ’662 patent are unpatentable as anticipated by U.S. Patent No. 5,407,135 (“Jeffs”).

4. Whether claims 26–28 of the '662 patent are unpatentable as obvious over Jeffs in view of Jeong.
5. Whether claims 26–28 of the '662 patent are unpatentable as obvious over Jeffs in view of Yoshida.
6. Claim interpretations and any other subsidiary issues relevant to issues 1–5 above;
7. Any motions to exclude filed by Patent Owner or Petitioner;
8. Response to the Parties' presentation on all matters; and
9. Any other issues issued or briefed through the trial or that the Board deems necessary for issuing a final written decision.

The parties respectfully request that they be permitted to introduce demonstrative exhibits via electronic presentation methods. The parties will also provide each other and the Board with an electronic binder containing demonstrative exhibits, if used.

If the Board orders an in-person hearing, then the parties also request the following equipment be made available at the hearing: (i) an ELMO by the lectern to display printed documents, and (ii) an HDMI cable at counsel's table to permit the display of documents from counsel's laptop computer (e.g., PowerPoint or PDF slides).

Date: October 15, 2024

Respectfully submitted,

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IPR2023-01322
U.S. Patent No. 10,433,687

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Certificate of Service

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on October 15, 2024, a complete copy of **PETITIONERS' AND PATENT OWNER'S JOINT REQUEST FOR ORAL HEARING**, was served by email to the following address:

DysonIPR@kirkland.com

Date: October 15, 2024

Respectfully submitted,

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