

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.

Case No. IPR2023-01324
U.S. Patent No. 9,414,662

REPLY TO PATENT OWNER'S RESPONSE

TABLE OF CONTENTS

	<u>Page</u>
I. Introduction.....	1
II. Patent Owner's Proposed Claim Interpretation Arguments Are Wrong	3
A. Patent Owner Proposes an Overly Narrow and Already Rejected Construction of the Claimed "Inner Wall"	3
1. Patent Owner's Proposed Construction Has Absolutely No Textual Support.....	5
2. Patent Owner's Cherry-Picked and Annotated Figures Do Not Actually Support Its Proposal	8
3. Other Arguments Repeated From Patent Owner's Preliminary Response Likewise Fail	11
III. Grounds 1–2: Jeong Anticipates Claims 26–28; Yoshida Anticipates Claims 26–28	12
A. Patent Owner's Arguments Related to Claim 26 (and Claim 27 for Jeong) Rely Entirely on Its Flawed Claim Interpretation.....	12
B. Jeong Anticipates Claim 28.....	13
C. Yoshida Anticipates Claims 27 and 28	16
IV. Grounds 3–5: Anticipation by Jeffs or Obviousness Over Jeffs in View of Either Jeong or Yoshida.....	18
A. Patent Owner's Arguments Directed at Claims 26–27 Fail.....	18
B. Patent Owner Fails to Demonstrate that Claim 28 Is Patentable over the Jeffs-Based Grounds	19
V. Conclusion	20

PETITIONERS' EXHIBIT LIST

Exhibit	Description
1001	U.S. Patent No. 9,414,662
1002	File History for U.S. Patent No. 9,414,662
1003	Declaration of Dr. Daniel M. Nosenchuck
1004	U.S. Patent Application Pub. No. US 2013/0111777
1005	Japanese Patent Application Pub. No. JP S 60-249907 and Certified Translation Thereof
1006	U.S. Patent No. 5,407,135
1007	U.S. Patent No. 1,564,896
1008	U.S. Patent No. 5,546,674
1009	PCT Pub. No. WO 83/02753
1010	U.S. Patent Application Pub. No. 2010/0065545
1011	Great Britain Patent No. 1,417,052
1012	Declaration of Brian A. Rosenthal in Support of Petitioners' Motion For Pro Hac Vice Admission
1013	Declaration of Ahmed Eldessouki in Support of Petitioners' Motion For Pro Hac Vice Admission
1014	July 22, 2024 Deposition Transcript of Dr. Breigh Roszelle
1015	Supplemental Declaration of Dr. Daniel M. Nosenchuck
1016	U.S. Patent No. 8,104,694

TABLE OF AUTHORITIES

	<u>Page(s)</u>
Cases	
<i>Superguide Corp. v. DirecTV Enterprises, Inc.</i> , 358 F.3d 870 (Fed. Cir. 2004)	6
<i>Teleflex, Inc. v. Ficosa N. Am. Corp.</i> , 299 F.3d 1313 (Fed. Cir. 2002)	5

TABLE OF ABBREVIATIONS

Abbreviation	Term
'662 patent	U.S. Patent No. 9,414,662
Board	Patent Trial and Appeal Board
Challenged Claims	Claims 26–28 of U.S. Patent No. 9,414,662
Ex.	Exhibit
Fig.	Figure
ID	Institution Decision
IPR	<i>inter partes</i> review
Jeffs	U.S. Patent No. 5,407,135 (Ex. 1006)
Jeong	U.S. Patent Application Publication No. US 2013/0111777 (Ex. 1004)
Mot. to Am.	Patent Owner's Contingent Motion to Amend Pursuant to 37 C.F.R. § 42.121 (Paper 19) (May 22, 2024)
Patent Owner	Dyson Technology Limited
Pet.	Petition for <i>Inter Partes</i> Review of U.S. Patent No. 9,414,662 (Paper 2) (Aug. 18, 2023)
Petitioners	SharkNinja, Inc., SharkNinja Operating LLC, SharkNinja Management LLC, and SharkNinja Sales Company
POPR	Patent Owner Preliminary Response (Paper 6) (Nov. 30, 2023)
POR	Patent Owner Response (Paper 18) (May 22, 2024)
POSITA	person[s] of ordinary skill in the art
Roszelle Tr.	July 22, 2024 Deposition Transcript of Dr. Breigh Roszelle (Ex. 1014)
Yoshida	Japanese Patent Application Publication No. JP S 60-249907 (Ex. 1005)

I. INTRODUCTION

As demonstrated in the Petition, the Challenged Claims of the '662 patent (*i.e.*, claims 26–28) recite an appliance (such as a hairdryer) with inner and outer walls and a non-linear airflow—and nothing more. As the Petition further demonstrates, this configuration was well-known in the prior art, including in Jeong, Yoshida, and Jeffs. The Petition also demonstrates that the other standard elements of the claimed appliance (none of which are purported to be novel) were also disclosed in those same references.

Patent Owner's primary argument in the pre-institution phase was that the term "inner wall" in the Challenged Claims should be construed to require the wall "extend the entirety of the handle from the primary fluid inlet to the body of the hair car appliance." POPR (Paper 6), 2–7. The Board instituted this IPR, notwithstanding Patent Owner's claim construction argument, finding that Patent Owner's "proposed construction appears to add a limitation to claim 26 not required by claim 26." Undeterred, in its Response, Patent Owner retreads the same failed claim construction argument and commits the same errors already rejected by the Board.

While Patent Owner now purports to construe the longer phrase "inner wall . . . defines a primary fluid flow path that extends from a primary fluid inlet into the appliance" (instead of just the term "inner wall"), Patent Owner's claim construction

argument should be rejected for the same reason it was in this Board's Institution Decision. Specifically, Patent Owner applies an improperly narrow interpretation of the "inner wall" limitation that is not supported by the specification. For example, Patent Owner's claim construction argument relies on (at most) only one of multiple disclosed embodiments, and even for the one embodiment Patent Owner contends supports this construction, Patent Owner improperly draws inferences from the figures and invents textual support in the specification. Notably, Patent Owner tacitly admits that its claim construction argument lacks support by filing a Contingent Motion to Amend that seeks to explicitly add a limitation to claim 26 that the "inner wall . . . extends from the primary fluid inlet to the first end of the handle." Mot. to Am. (Paper 19), 3.

Patent Owner thus fails to overcome any of the invalidity grounds and the overwhelming evidence presented in the Petition. For these and the additional reasons described herein, claims 26–28 of the '662 patent are invalid on all grounds raised in the Petition: Ground 1 (anticipation based on Jeong), Ground 2 (anticipation based on Yoshida), Ground 3 (anticipation based on Jeffs), Ground 4 (obviousness over Jeffs in view of Jeong), and Ground 5 (obviousness over Jeffs in view of Yoshida).

II. PATENT OWNER'S PROPOSED CLAIM INTERPRETATION ARGUMENTS ARE WRONG

As explained in the Petition, all terms in the Challenged Claims should be given their plain and ordinary meaning, and no explicit construction of any claim term is necessary for the Board to resolve Petitioners' challenge. Pet., 8. Patent Owner's arguments with respect to the "inner wall" limitation should be rejected, just as they were in the pre-institution phase.

A. Patent Owner Proposes an Overly Narrow and Already Rejected Construction of the Claimed "Inner Wall"

Patent Owner's arguments against all five grounds depends, at least in part, on a flawed claim construction argument that, in substance, was already rejected by the Board in the Institution Decision. Specifically, in its Patent Owner Preliminary Response, Patent Owner argued that the term "inner wall" should be interpreted to require "the wall located on the inside of the handle that extends the entirety of the handle from the primary fluid inlet to the body of the appliance." POPR (Paper 6), 3–4. In the Institution Decision, the Board rejected that proposed interpretation because on the record before it, "Patent Owner's proposed construction appears to add a limitation to claim 26 not required by claim 26." ID (Paper 7), 12–17.

In its Patent Owner Response, Patent Owner offers the same rejected construction. See POR, 3, n.1. Although Patent Owner purports to construe a different term "in order to address and resolve the Board's concerns" regarding

Patent Owner's previous construction in its Preliminary Response, *id.*, Patent Owner's proposed construction is substantively the same, reiterating the same arguments already rejected by the Board, and is wrong for the same reasons articulated by the Board in its Institution Decision.

Specifically, Patent Owner now argues that the term “inner wall . . . defines a primary fluid flow path that extends from a primary fluid inlet into the appliance” should be construed to mean “inner wall . . . defines a primary fluid flow path that extends from a primary fluid inlet, through the handle, and into the appliance.” POR, 3. In its arguments in both the Preliminary Response (rejected in the Institution Decision) and the present Response, Patent Owner seeks to inject a specific dimensional requirement to the claimed inner wall (“extends from the primary fluid inlet through the handle and into the appliance”) that is nowhere in the claims. Nothing in the claims—whether the term “inner wall” itself or the broader phrase now identified by Patent Owner—supports adding the claim limitation proposed by Patent Owner. To the contrary, as explained in the Institution Decision, Patent Owner's claim interpretation “add[s] a limitation to claim 26 not required by claim 26,” because “claim 26 does not require an ‘inner wall’ that ‘extends the entirety of the handle from the primary fluid inlet to the body of the appliance.’” ID (Paper 7), 17. Thus, the Board should similarly find here that Patent Owner's repackaged claim construction adds a limitation not in the claims.

In short, Patent Owner repeats all the previously tried, and failed, arguments narrowing the construction of the claimed “inner wall” in order to circumvent the cited prior art references. The new declaration by Dr. Roszelle adds little to bolster. As recognized in the Institution Decision, claim 26 does not require an “inner wall” that “extends the entirety of the handle from the primary fluid inlet to the body of the appliance” as submitted by Patent Owner. ID (Paper 7), 17. Thus, claim 26 does not “preclude another element from defining some part of the ‘primary fluid flow path’ between the ‘inner wall’ and the body.” *Id.*, 15.

1. Patent Owner's Proposed Construction Has Absolutely No Textual Support

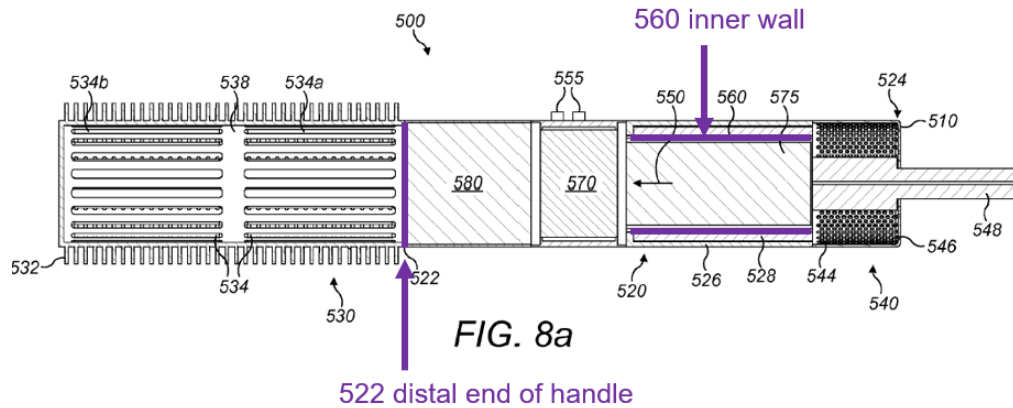
Patent Owner does not and cannot cite to any part of the specification explicitly disclosing that the “inner wall” may or must “extend through the handle.” At best, Patent Owner is reading by inference from several figures depicting one out of multiple disclosed embodiments, POR, 7 (citing Figs. 3, 4b, 5, 6, 7¹), while the '662 patent clearly discloses an inner wall not extending “through the handle” in other embodiments, *see, e.g.*, Ex.1001, Fig. 8a.

It is a “cardinal sin” of claim construction to import limitations from the specification into the claim. *Teleflex, Inc. v. Ficosa N. Am. Corp.*, 299 F.3d 1313, 1324 (Fed. Cir. 2002). “[A] particular embodiment appearing in the written

¹ These Figures all describe one embodiment, and Patent Owner's expert Dr. Roszelle agrees. Roszelle Tr. at 59:10–60:1.

description may not be read into a claim when the claim language is broader than the embodiment.” *Superguide Corp. v. DirecTV Enterprises, Inc.*, 358 F.3d 870, 875 (Fed. Cir. 2004). Patent Owner transgresses even more, because Patent Owner has not textual support but has to resort to creative labeling on figures to create the “written description” purportedly supporting its proposed construction. But the particular embodiment it points to does not even support the proposed narrow construction, as explained in detail in Section II.A.2 below.

Patent Owner incorrectly asserts that the “specification and drawings . . . consistently require the ‘inner wall’ to extend the entirety of the handle from the primary fluid inlet to the body of the appliance.” But the specification provides irrefutable and unambiguous disclosures to the contrary which the Patent Owner ignores. For example, the ’662 patent at Fig. 8a discloses an embodiment of the appliance with an inner wall 560 only extending partially through the handle. The patent discloses that “[t]he inner wall 560 is a duct which surrounds and defines a fluid flow path 550 through the appliance.” Ex.1001, 12:52–53. Further, the handle 520 has a “distal end 522.” *Id.*, 12:7–8. As illustrated below, the inner wall 560 does not extend through the handle to reach the distal end 522, but it rather only extends partially through the handle.



Ex.1001, Fig. 8a (annotated).

Even with respect to the embodiment Patent Owner points to (*i.e.*, Figs. 3, 4a, 5, 6, and 7), there is no disclosure that the inner wall *must* extend through the handle and into the appliance. The '662 patent discloses that “[w]ithin the inner 220 wall, an insulating layer of material 212 is provided.” Ex1001, 12:35–36. It further states that it is “***preferred*** that the insulating material 212 . . . extends for the length of the inner wall 220 of the handle as this has the most impact on insulating the handle.” *Id.*, 12:45–50.² Since the '662 patent considers the length of the inner wall of the handle to have “the most impact” on “insulating the handle,” it follows that there may be sections of the handle that are beyond the length of the inner wall, which would result in lesser insulation for the handle. Notably, the specification never states that the insulating material should run the entire length of the handle.

² Emphases added herein, unless otherwise noted.

In essence, therefore, Patent Owner relies on a single embodiment and draws inferences that are not present in the text or the figures, and then attempts to import those inferred limitations into claim 26. Patent Owner's efforts at importing a claim limitation should be rejected for this reason alone.

2. Patent Owner's Cherry-Picked and Annotated Figures Do Not Actually Support Its Proposal

As discussed above, Patent Owner picks the embodiment of Figures 3, 4b, 5, 6, 7 as the purported support for its proposed construction. Not only does the accompanying text refute Patent Owner's inference from the figures (as explained above), the figures also do not actually give as clear an inference as Patent Owner argues. Patent Owner—without textual support—asserts that “[a]ll of the figures illustrating the handle show that inner wall 220 extends the full length of the handle from the primary fluid inlet to the body and forms a duct for the primary fluid flow path from the primary fluid inlet 40 to the body 30.” POR, 7. However, in absence of explicit description of how an inner wall does or does not extend full length of the handle, or even what the full length of a handle actually is, the figures do not show clearly to a POSITA that the inner wall 220 extends the full length of the handle.

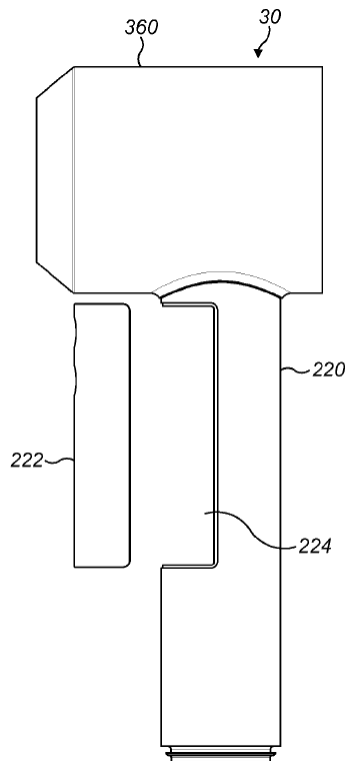
For example, Patent Owner annotates Figure 3 as purportedly showing an inner wall according to its proposed construction:



FIG. 3

Ex.1001, Fig. 3 (annotated by Patent Owner). But nothing from the intrinsic record supports Patent Owner's markups, specifically where the upper end of the inner wall ends. To further compound the problem, the '662 patent discloses that, in one embodiment, "outer wall 360 of the body 30 and inner wall 220 of the handle 20 are moulded as a one piece unit" as shown in Fig. 5. *Id.*, 11:61–63. This disclosure, however, creates at least three potentially different boundaries: (a) the boundary

between the “handle” and the “body”; (b) the boundary between the inner wall of the handle and the outer wall of the body (which is one piece of plastic shown in Figure 5); and (c) the boundary between the outer wall of the handle and the outer wall of the body. The patent is silent on where the boundaries are, and therefore a POSITA would not be able to extrapolate that the inner wall of the handle necessarily extends the full length of the handle. Indeed, when asked about the boundaries, Patent Owner’s expert witness Dr. Roszelle is unable to clearly draw the three boundaries. Ex.1014 (Roszelle Tr.), 43:16–44:22. As such, even the figures hand-selected by Patent Owner cannot clearly support the proposed construction.



Ex. 1001, Fig. 5.

3. Other Arguments Repeated From Patent Owner's Preliminary Response Likewise Fail

Patent Owner argues that the claim limitation “inner wall . . . defines a primary fluid flow path that extends from a primary fluid inlet into the appliance” would be rendered superfluous by the Petitioners’ interpretation, *i.e.*, partially through the handle. POR, 5–6. The Institution Decision has rejected this argument, agreeing with Petitioners that some “wall” element through which fluid may flow is necessary, and Patent Owner has not shown anything new since. *See, e.g.*, ID, 16 (“[W]e are not persuaded that claim 26 requires any limitation on the extent of the ‘inner wall’ toward the body of the appliance, where no such limitation governing the length of the ‘inner wall’ is present in the claim.”).

Patent Owner further argues that “by specifying that the claimed ‘inner wall’ of the handle, as opposed to the claimed ‘outer wall’ of the handle, defines the primary fluid flow path from a primary fluid inlet into the appliance, claim 26 does preclude a handle in which the inner wall fails to define the entirety of the primary fluid flow path within the handle.” POR, 10. Patent Owner’s only support comes from Dr. Roszelle’s declaration in which she parrots the exact same argument verbatim. Ex.2002, ¶44. This is *non sequitur* and just another attempt to repackage the same argument rejected in the Institution Decision. ID, 15 (“Nor do we see anything in claim 26 itself that would require the ‘inner wall’ to extend the entire length of the handle so as to meet the body.”).

III. GROUNDS 1–2: JEONG ANTICIPATES CLAIMS 26–28; YOSHIDA ANTICIPATES CLAIMS 26–28

A. Patent Owner's Arguments Related to Claim 26 (and Claim 27 for Jeong) Rely Entirely on Its Flawed Claim Interpretation

Patent Owner tacitly admits that Jeong and Yoshida both disclose all limitations of claim 26 of the challenged '662 patent except “inner wall . . . defines a primary fluid flow path that extends from a primary fluid inlet into the appliance.” Namely, every single argument in Patent Owner's Response Sections IV.A.1 and IV.B.1 depends on Patent Owner's proposed interpretation of the “inner wall . . . defines” limitation. Because that interpretation is wrong for the reasons discussed above, Patent Owner fail to identify any element of claim 26 that is not anticipated by Jeong and Yoshida. Further, Patent Owner fails to present any additional arguments for claim 27 with respect to the Jeong Ground and therefore, its arguments for claims 26 and 27 fail as to Jeong Ground 1. *See generally* POR, 11–14, 22–25.

To be clear, Patent Owner does not argue anywhere in the POR that Jeong or Yoshida disclose the “inner wall” limitation under the plain and ordinary meaning that Petitioners used in the Petition and that the Institution Decision relied on reaching its conclusion that the Petition demonstrated that this element was met at least in the Jeong reference. ID, 30 (finding that Jeong's motor housing 18 comprises an inner wall). Indeed, the Patent Owner Response concedes that Jeong's motor housing 18 “extends from the plurality of inflow slots 14 about half-way up housing

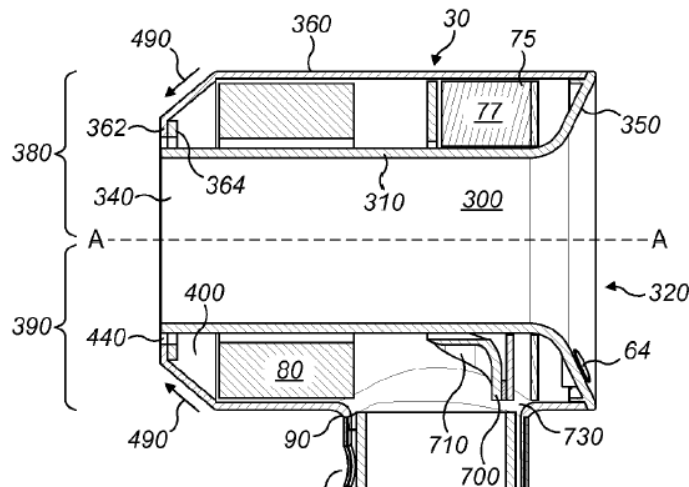
10” and thus into the appliance. POR, 13–14. Similarly, Patent Owner in its Response concedes that Yoshida’s cylindrical wall tunnel 7 (that was identified as the inner wall in the petition) “extends from the suction ports 13 and 14 [the claimed inlet in the Petition] only about half-way up housing 1, which Petitioners and Dr. Nosenchuck assert is the claimed ‘handle.’” POR, 24. Because the claims do not require the inner wall to extend through the entirety of the handle, Patent Owner’s admission that the identified inner walls extend about half-way up the handle proves that the “inner wall” element is met under the plain and ordinary meaning.

Because that interpretation is wrong for the reasons discussed above, Patent Owner’s Response to claims 26 and 27 for Jeong and claim 26 as to Yoshida necessarily fail.

B. Jeong Anticipates Claim 28

Patent Owner makes two arguments regarding Jeong’s anticipation of dependent claim 28. First, Patent Owner argues that the central passage empty space formed by the cylindrically-shaped body as disclosed in Jeong is not “in the body.” POR, 14-15, 19. Second, Patent Owner argues that Petitioners have not shown that the fluid flow in the central passage “primary fluid flow” is the primary fluid flow. Both arguments fail because they rely on an improper understanding of both the ’662 patent specification and the Jeong disclosure.

First, the '662 patent specification clearly discloses that the empty space of the central passage of the body is “in the body.” The '662 patent specification states that “[t]he primary fluid outlet 440 may be internal so the primary fluid flow path 400 merges with the fluid flow path 300 **within the body** 30.” Ex.1001, 10:59–61. The empty space of central passage 300 is explicitly stated to be “within” the body.



Ex.1001, Fig. 3 (excerpted). Jeong discloses a very similar shape in the appliance body having an empty space in the central passage 37. Therefore, Jeong's space 37 is “in the body” for the same reason that the '662 patent's disclosure of element 300 is in the body.

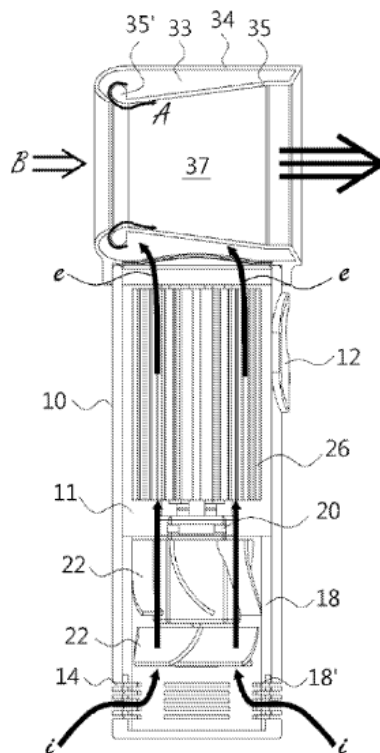


FIG. 5

Ex.1004, Fig. 5.

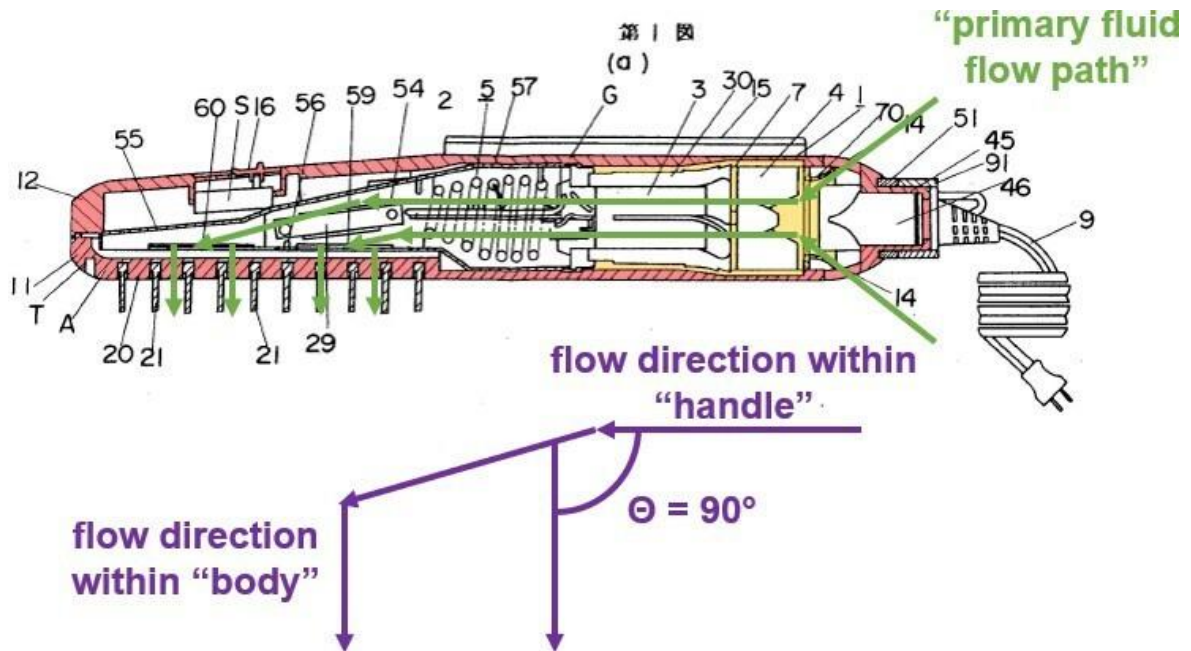
Second, although Patent Owner tries to distinguish a “secondary fluid flow” from the claimed “primary fluid flow,” Jeong explicitly discloses—and Patent Owner agrees—that the air from the two fluid flows are mixed in central passage 37 and be discharged together through discharge hole 39. Ex.1004, ¶ 56; *see also* Ex.2002, ¶58. This means that both the primary and secondary fluid flows according to Jeong are discharged through Jeong’s passage 37, in the direction shown by the Petition.

Therefore, the Petition sufficiently shows that Jeong discloses every element of claim 38, specifically, “wherein the ***primary fluid flow in the body*** is substantially orthogonal to the primary fluid flow in the handle.”

C. Yoshida Anticipates Claims 27 and 28

Patent Owner argues that, because Yoshida's disclosed “body” (heater enclosing frame 5) is located within the disclosed “handle” (housing 1), the direction of primary fluid flow in the body necessarily is the same as the direction primary fluid flow in the handle. POR, 26–28. Because of that, it alleges, the Petition did not show how the limitations of claims 27 and 28 are met that require for claim 27 “the primary fluid flows within the handle in a first direction and within the body in a second direction and for claim 28 that the “primary fluid flow in the body is substantially orthogonal to the primary fluid flow in the handle.” This argument misunderstands the presentation of the argument in the Petition.

As the Petition makes clear, and as shown below, the primary fluid flow makes an approximately 90 degree change within the disclosed body and that change of direction is at 90 degrees with respect to the primary fluid flow in the handle.



Pet., 63–65; Ex. 1005, Fig. 1(a) (annotated). As shown above, Petitioner identified the right-hand portion of element 1 that is clearly the portion that a user is intended to hold as the handle element and showed that the fluid flow within the handle then changes to be 90 degrees. Further the Petition also clearly established that the change in direction happens in the body—not after it exits the body, as Patent Owner contends.

Furthermore, nothing in claims 27 and 28 or the specification of the '662 patent requires the primary fluid flow to have **only one** direction of flow in either the body or the handle. The Petition, therefore, sufficiently shows that Yoshida discloses all elements of claims 27 and 28.

IV. GROUNDS 3–5: ANTICIPATION BY JEFFS OR OBVIOUSNESS OVER JEFFS IN VIEW OF EITHER JEONG OR YOSHIDA

A. Patent Owner's Arguments Directed at Claims 26–27 Fail

Patent Owner's response on Grounds 3–5 also relies primarily on its incorrect interpretation of the “inner wall” limitation. POR, 33–35. For the reasons discussed above, that claim interpretation is incorrect. And, as shown in the Petition, Jeffs anticipates claims 26–28 under the plain and ordinary meaning of the inner wall limitation. Indeed, as with Jeong and Yoshida, Patent Owner does not attempt to assert that Jeffs fails to disclose the “inner wall” limitation under the plain and ordinary meaning used in the Petition. Instead, Patent Owner concedes that the Jeffs “claimed ‘inner wall’ only extends from union 36 about half-way up handle 10.” POR, 35. That concession, as with Jeong and Yoshida, demonstrates that the “inner wall” limitation is met by Jeffs under the plain and ordinary meaning because half-way into the handle is still into the appliance as the claims require.

Additionally, Patent Owner argues that Jeffs does not disclose an “inner wall” that is “distinct” from the claimed “outer wall.” POR, 32. Even if the claims require the “inner wall” to be distinct from the “outer wall,” both Jeong and Yoshida disclose a distinct “inner wall” as explained in the Petition and in Section II above. Jeffs in view of Jeong or Yoshida (Grounds 4 and 5) render claims 26–28 obvious because Jeong and Yoshida clearly disclose distinct inner and outer walls and Patent Owner presented no argument to the contrary in its Patent Owner Response. Therefore, the

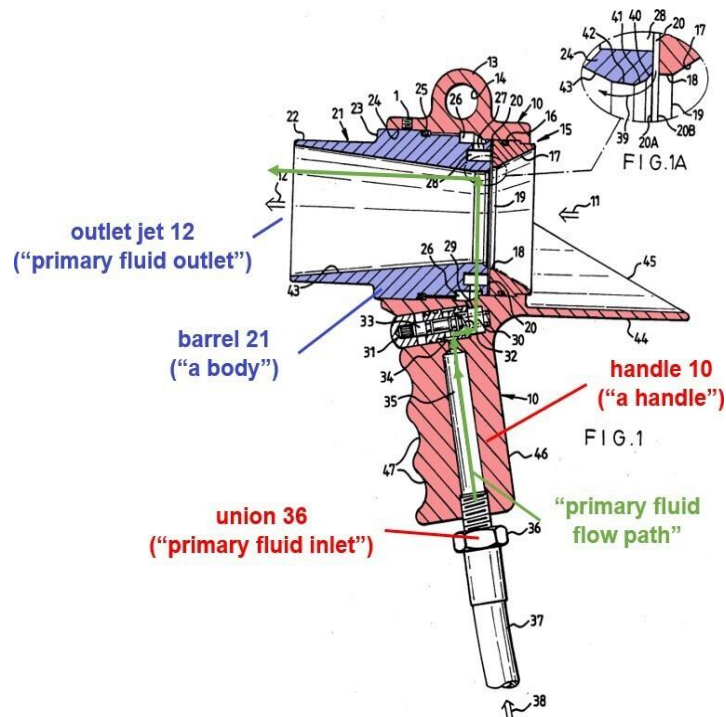
proposed modification of Jeffs in view of Jeong and Yoshida in Grounds 4 and 5 would provide for a distinct inner and outer wall.

Patent Owner further “maintains” in a footnote only its allegation that the preamble of claims 26 is limiting. POR, 31, n. 5. Patent Owner has not identified any support from intrinsic evidence that either the preamble recites an essential structure or that the preamble somehow provides antecedent basis so as to defeat a presumption that the preamble is non-limiting. That argument should be rejected. Patent Owner fails to demonstrate that the preamble is limiting.

B. Patent Owner Fails to Demonstrate that Claim 28 Is Patentable over the Jeffs-Based Grounds

Regarding claim 28, Patent Owner makes the same argument as for Jeong, *i.e.*, the barrel empty space is allegedly not “in the body.” POR, 37–38. As discussed above in Section II.B, the ’662 patent specification clearly demonstrates that the term “within the body” covers the structure demonstrated in Jeong.

Further, Patent Owner faults Petitioners for allegedly not providing an explanation of why the annotated arrows in the Petition correctly represents fluid flow. POR, 38–39. However, as explained in detail in the Petition and the accompanying declaration of Dr. Nosenchuck, the annotated flow path is exactly how a POSITA having read the disclosure of Jeffs would understand the fluid to flow through the appliance.



Ex. 1006, Fig. 1 (annotated).

V. CONCLUSION

Claims 26–28 of the '662 patent are therefore unpatentable and should be canceled.

DATED: August 14, 2024

Respectfully Submitted,

/Brian M. Buroker/

Brian M. Buroker (Reg. No. 39,125)
GIBSON, DUNN & CRUTCHER LLP
1050 Connecticut Ave. NW
Washington, DC 20036
Phone: (202) 955-8500
Fax: (202) 467-0539
Email: bburoker@gibsondunn.com

*Attorney for Petitioners SharkNinja
Inc., SharkNinja Operating LLC,
SharkNinja Management LLC, and
SharkNinja Sales Company*

CERTIFICATE OF SERVICE

The undersigned certifies service pursuant to 37 C.F.R. § 42.120 of a copy of this Reply to Patent Owner's Response upon Patent Owner, and copies of Petitioners' Exhibits 1014–1016, by email on August 14, 2024, to the following email addresses of record:

christopher.bruejnes@faegredrinker.com

john.smith@faegredrinker.com

brianna.silverstein@faegredrinker.com

DATED: August 14, 2024

By: /Brian M. Buroker/

Brian M. Buroker (Reg. No. 39,125)
GIBSON, DUNN & CRUTCHER LLP
1050 Connecticut Ave. NW
Washington, DC 20036
Phone: (202) 955-8500
Fax: (202) 467-0539
Email: bburoker@gibsondunn.com

Attorney for Petitioners

Certification of Type-Volume Limitations

The Reply complies with the type-volume limitation of 37 C.F.R. § 42.24.
The Reply contains 3,843 words, excluding the parts of the Reply exempted by of
37 C.F.R. § 42.24(a).

DATED: August 14, 2024

By: /Brian M. Buroker/

Brian M. Buroker (Reg. No. 39,125)
GIBSON, DUNN & CRUTCHER LLP
1050 Connecticut Ave. NW
Washington, DC 20036
Phone: (202) 955-8500
Fax: (202) 467-0539
Email: bburoker@gibsondunn.com

Attorney for Petitioners