

SHARKNINJA, INC., SHARKNINJA
OPERATING LLC, SHARKNINJA
MANAGEMENT LLC, AND SHARKNINJA
SALES COMPANY
V.
DYSON TECHNOLOGY LIMITED

IPR2023-01324 (US Patent 9,414,662)

Patent Owner's Demonstratives for Oral Hearing

Claim 26

- Claim 26: A hair care appliance comprising a body and a handle, the handle comprising an inner wall and an outer wall, wherein the inner wall is disposed radially inwardly from the outer wall and defines a primary fluid flow path that extends from a primary fluid inlet into the appliance, wherein the outer wall is an external surface of the handle, and wherein the primary fluid flow path from the primary fluid inlet to a primary fluid outlet from the body is non linear.

Claim 27 and 28

- Claim 27: The appliance of claim 26, wherein the primary fluid flows within the handle in a first direction and within the body in a second direction.
- Claim 28: The appliance of claim 26, wherein the primary fluid flow in the body is substantially orthogonal to the primary fluid flow in the handle.

Summary

- Claim Construction
 - New Proposed Claim Construction in POR
 - Proposed Claim Construction consistent with description in Specification and Figures
 - “Extends from a primary fluid inlet into the appliance” in claim 26 is a dimensional requirement
- No anticipation of properly construed claim 26
- No anticipation of Claim 28
- Jeffs fails to disclose an inner wall and outer wall

Claim Construction – Newly Proposed in POR

- The Board should construe the term “inner wall . . . defines a primary fluid flow path that extends from a primary fluid inlet into the appliance” to mean “inner wall . . . defines a primary fluid flow path that extends from a primary fluid inlet, through the handle, and into the appliance.”
- Patent Owner has proposed a different term for construction in this Response than in its Preliminary Response in order to address and resolve the Board’s concerns regarding Patent Owner’s proposed construction of “inner wall” in the Institution

IPR2023-01324, POR (Paper 19), p. 3.

Claim Construction – Newly Proposed in POR

- For “into the appliance” portion of the limitation to have meaning it must at least require the primary fluid flow path to exit the handle portion of the appliance.
IPR2023-01324, POR (Paper 19), p. 7.
- Patent Owner’s claim construction does not require the length of the inner wall to extend to the body and does not preclude another element from defining part of the “primary fluid flow path” between the handle and the body (to address ID at 16-17)
IPR2023-01324, POR (Paper 19), pp. 9-10.
- The phrase “extends from a primary fluid inlet into the appliance” is a dimensional requirement
IPR2023-01324, PO Sur-Reply (Paper 24), p. 9;
See also, POR (Paper 19), p. 10.

Claim Construction – Consistent with Disclosure

- All embodiments in the '662 Patent disclose an inner wall extending through entirety of the handle
IPR2023-01324, PO Sur-Reply (Paper 24), p. 5;
See also, POR (Paper 19), p. 7.
- Specification discussion of length of insulating material supports
Patent Owner's construction
IPR2023-01324, PO Sur-Reply (Paper 24), p. 6.
- Figures and accompanying description supports inner wall extending the full length of the handle
IPR2023-01324, PO Sur-Reply (Paper 24), p. 8;
See also, POR (Paper 19), pp. 7-9.

Claim Construction – Consistent with Disclosure

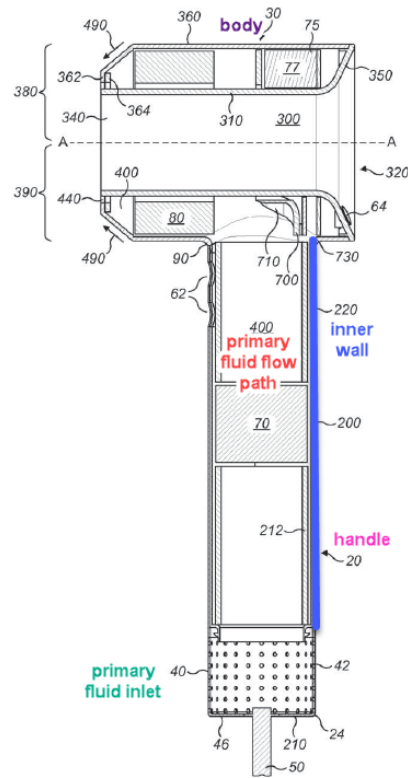


FIG. 3

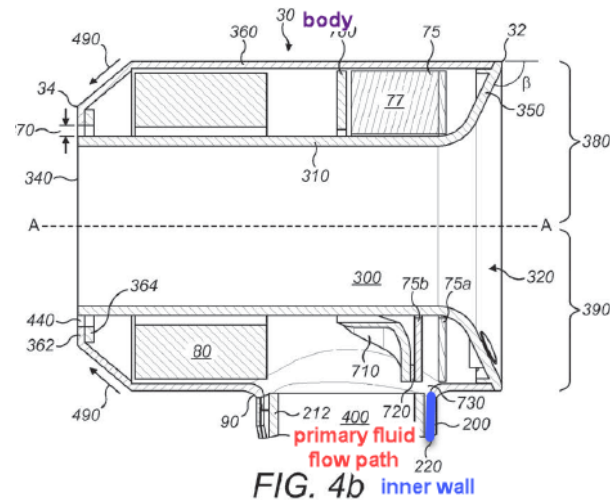
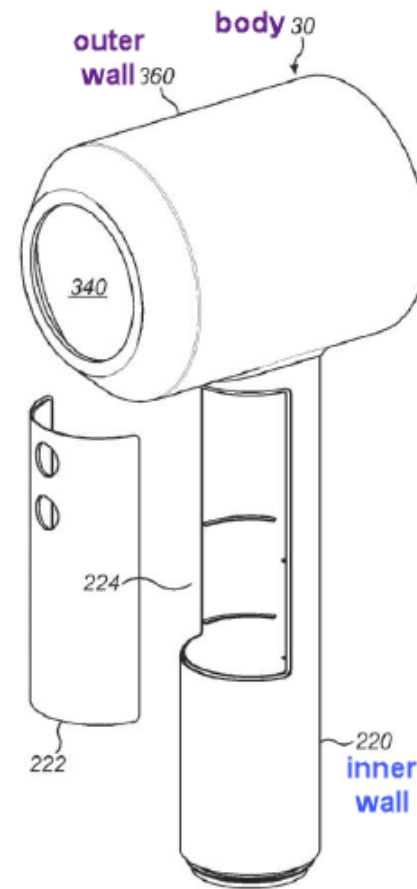


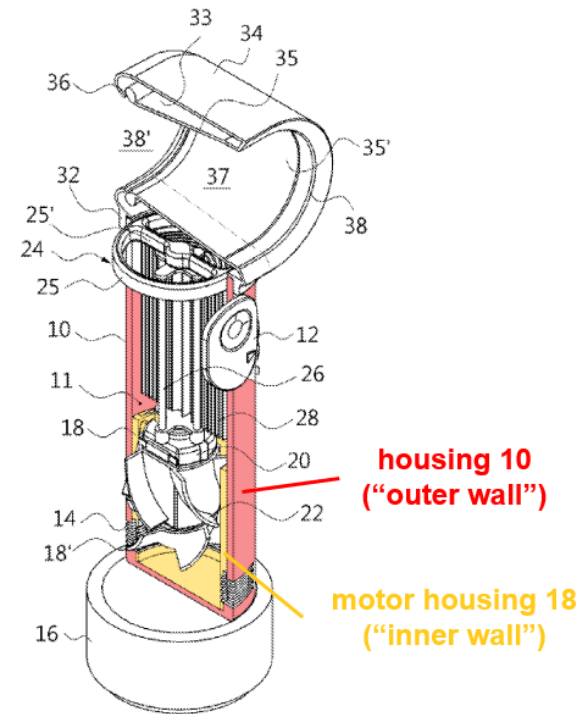
FIG. 4b



Jeong fails to anticipate claim 26

- Jeong fails to anticipate at least “inner wall . . . defines a primary fluid flow path that extends from a primary fluid inlet into the appliance” when properly construed

IPR2023-01324, PO Sur-Reply (Paper 24), p. 12;
See also, POR (Paper 19), pp. 11-14.

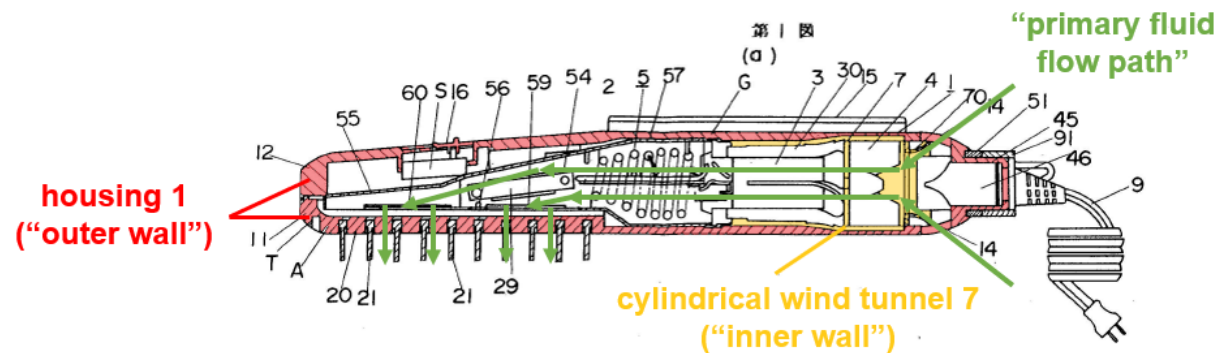


IPR2023-01324, POR (Paper 19), p. 13.

Yoshida fails to anticipate claim 26

- Yoshida fails to anticipate at least “inner wall . . . defines a primary fluid flow path that extends from a primary fluid inlet into the appliance” when properly construed

IPR2023-01324, PO Sur-Reply (Paper 24), p. 12;
See also POR (Paper 19), pp. 22-24.



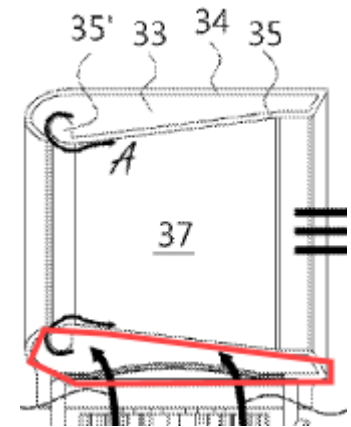
IPR2023-01324, POR (Paper 19), p. 24.

Jeong fails to anticipate claim 28

- Primary fluid flow path in Jeong ends at discharge slit 36 and flow within central passage 37 from discharge slit 36 to outlet 38 is a mixed fluid flow path.

IPR2023-01324, PO Sur-Reply (Paper 24), p. 14;
See also POR (Paper 19), pp. 14-18.

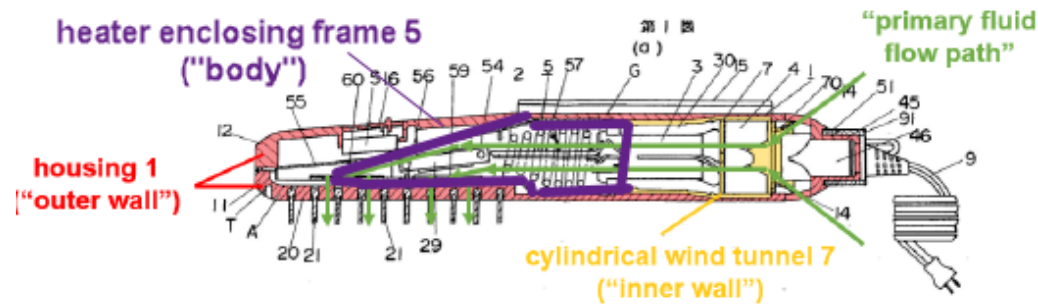
- No disclosure that the annular space between the inner wall 35 and outer wall 34 is configured to redirect the claimed “primary fluid flow” from housing 10 in a direction substantially perpendicular to the flow within housing 10 before exiting through discharge slit 36.



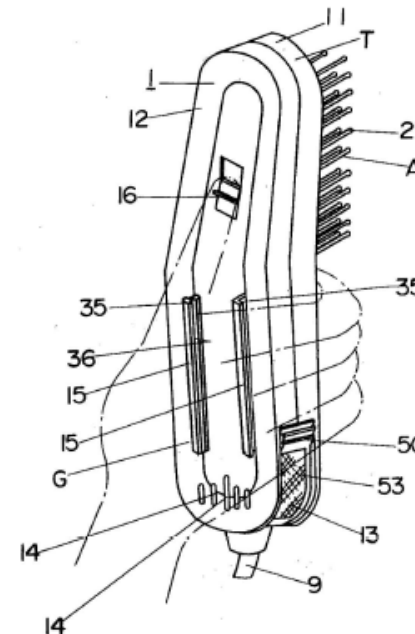
IPR2023-01324, POR (Paper 19), p. 21.

Yoshida fails to anticipate claims 27 and 28

- The asserted “primary fluid flow” that occurs in the asserted claimed “body” (heater enclosing frame 5) also necessarily occurs in the asserted claimed “handle” (housing 1).



IPR2023-01324, POR (Paper 19), p. 27.

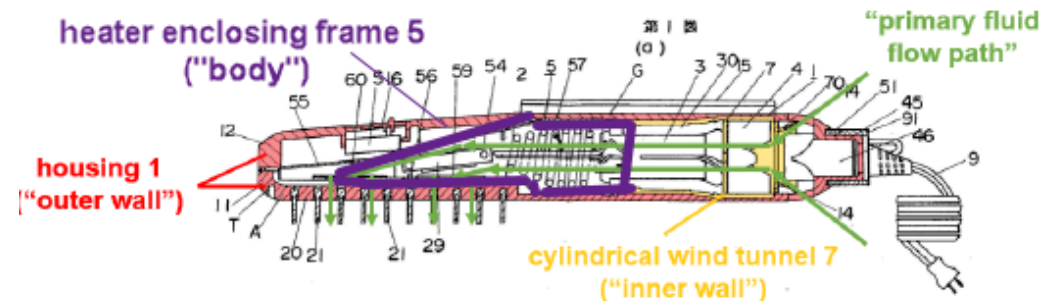


IPR2023-01324, PO Sur-Reply (Paper 24), p. 16;
See also POR (Paper 19), p. 26..

IPR2023-01324, Sur-Reply (Paper 24), p. 18.

Yoshida fails to anticipate claim 28

- Petitioners only allege the “primary fluid flow path” changes by 90 degrees once it **exits** through Yoshida’s discharge ports 59, which is after it exits heater enclosing frame 5 (“body”).
IPR2023-01324, POR (Paper 19), p. 29.
- Most of the flow would remain in the same direction through the “body” of the device and would not substantially change direction until it exits discharge ports 59.
IPR2023-01324, Sur-Reply (Paper 24), p. 18;
See also, , POR (Paper 19), pp. 29-30.

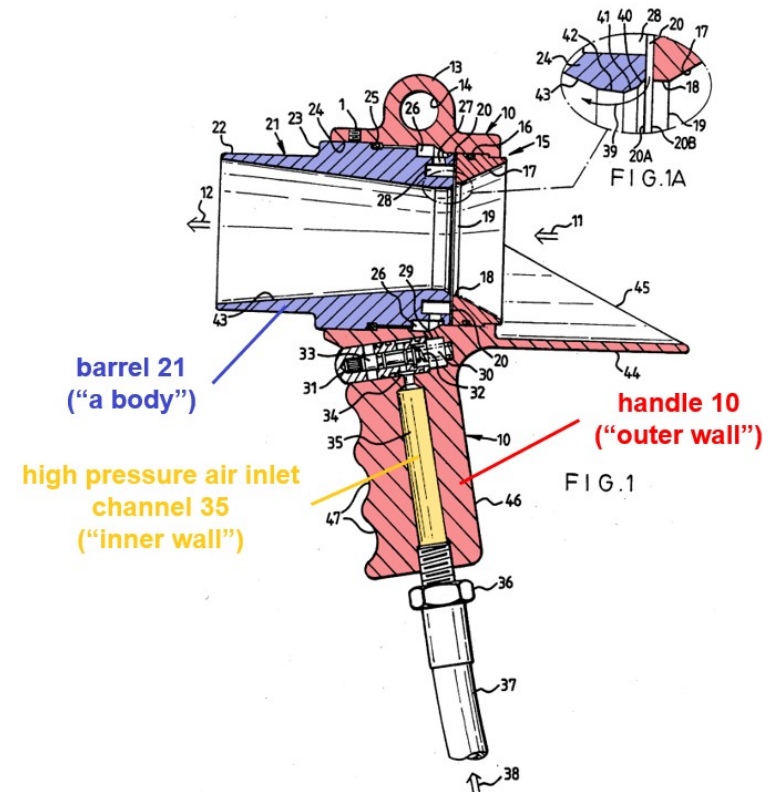


IPR2023-01324, POR (Paper 19), p. 27.

Grounds 3-5 fail – no “inner wall” in Jeffs

- High pressure air inlet channel 35 appears to be merely a hollow portion of handle 10 such that only a single wall is formed with an inner surface forming the high pressure air inlet channel 35 and the outer surface forming the portion of the handle gripped by the user.

IPR2023-01324, PO Sur-Reply (Paper 24), p. 14.



IPR2023-01324, POR (Paper 19), p. 32.

Grounds 3-5 fail – no “inner wall” in Jeffs

- Not only is Petitioners’ Reply the first time Petitioners argue that it would have been obvious to modify Jeffs to include a distinct “inner wall,” but Petitioners’ also fail to provide any rationale for adding the second distinct wall from either Jeong or Yoshida to Jeffs.

IPR2023-01324, PO Sur-Reply (Paper 24), p. 20.

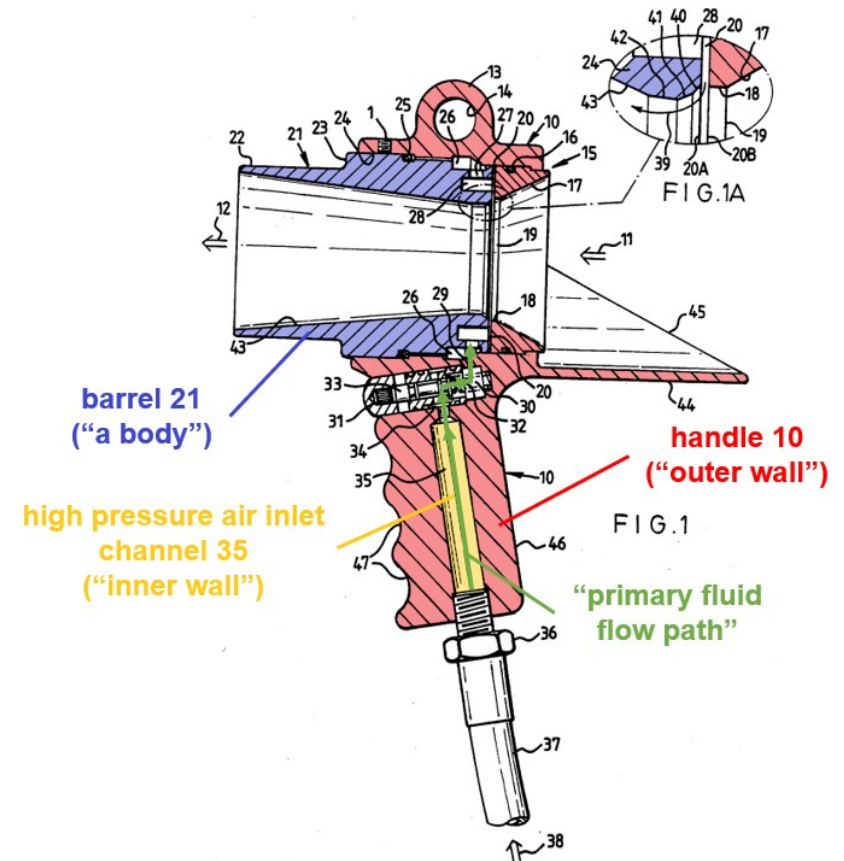
- In both Jeong and Yoshida the alleged “inner wall” is designed to surround a fan. Jeffs does not include a fan because it is connected to high pressure air 38. Thus, the reason for including a distinct “inner wall” in either Jeong or Yoshida has no relevance to Jeffs.

IPR2023-01324, PO Sur-Reply (Paper 24), p. 20.

Grounds 3-5 fail – Missing limitation

- Jeffs fails to anticipate at least “inner wall . . . defines a primary fluid flow path that extends from a primary fluid inlet into the appliance” when properly construed

IPR2023-01324, POR (Paper 19), pp. 33-34.

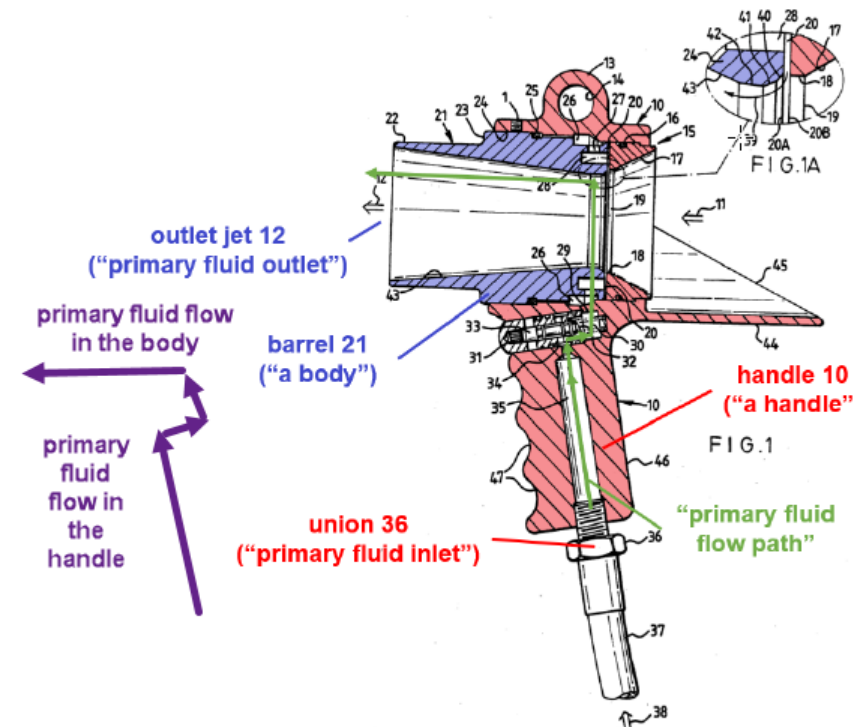


IPR2023-01324, POR (Paper 19), p. 35.

Grounds 3-5 fail – claim 28

- Petitioners do not show that the air in outlet jet 12 that they allege is the claimed primary fluid flow is orthogonal to the primary fluid flow in the handle is “in the body”
- There is no point when the primary fluid flow in the handle is at a 90-degree angle, or substantially orthogonal, to the primary fluid flow in the body.

IPR2023-01324, POR (Paper 19), p. 37.



IPR2023-01324, PO Sur-Reply (Paper 24), p. 22;
See also POR (Paper 19), pp. 38-39.

IPR2023-01324, POR
(Paper 19), p. 39.