

SharkNinja v. Dyson

IPR2023-01324 (Pat. No. 9,414,662)

SharkNinja's Oral Argument Presentation

December 5, 2024



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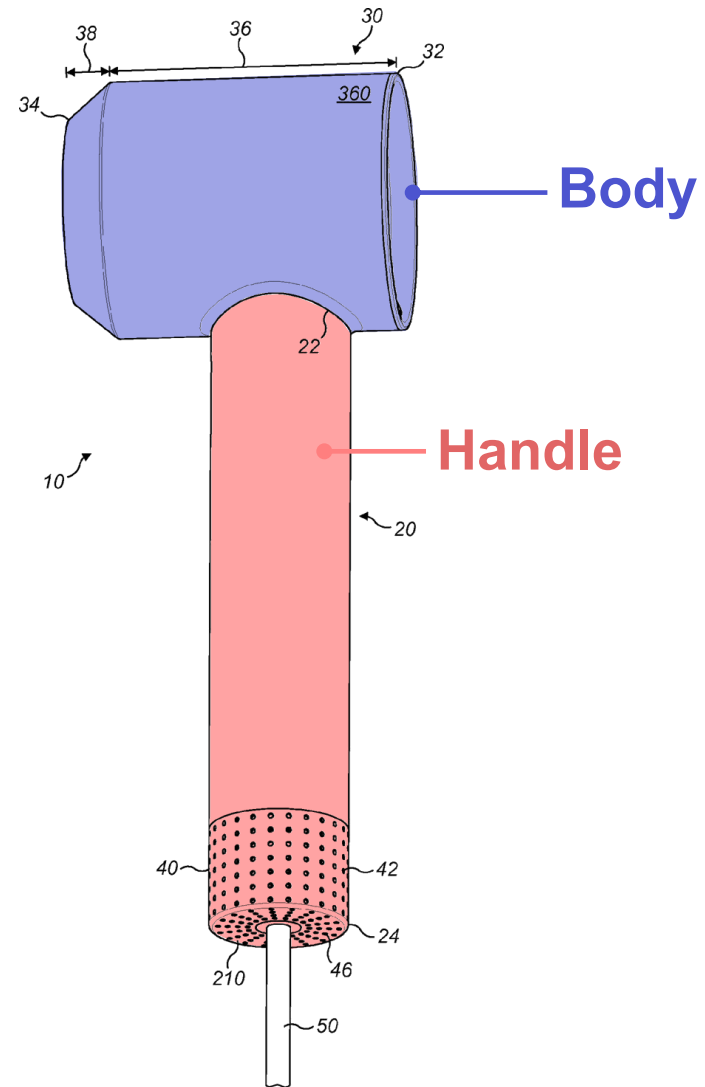
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Overview of the Challenged Patent

01

'662 Patent



a hairdryer “with
a **handle 20** and
a **body 30**”

Pet., 13; '662 Patent (Ex. 1001) at 9:52-53

FIG. 2

'662 Patent

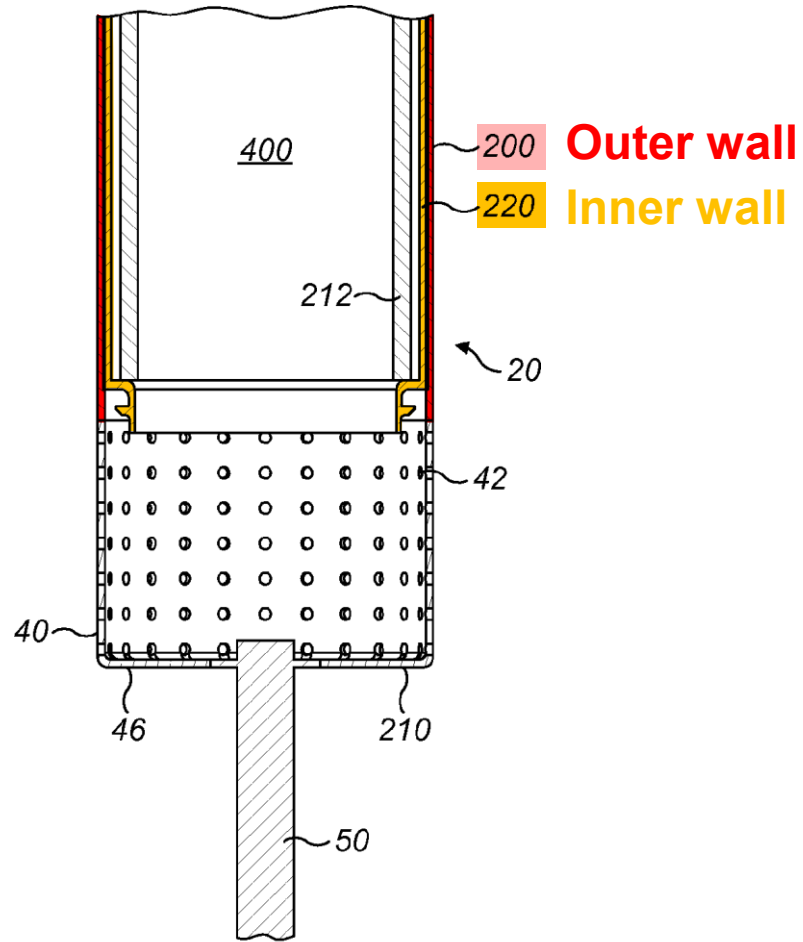


FIG. 4a

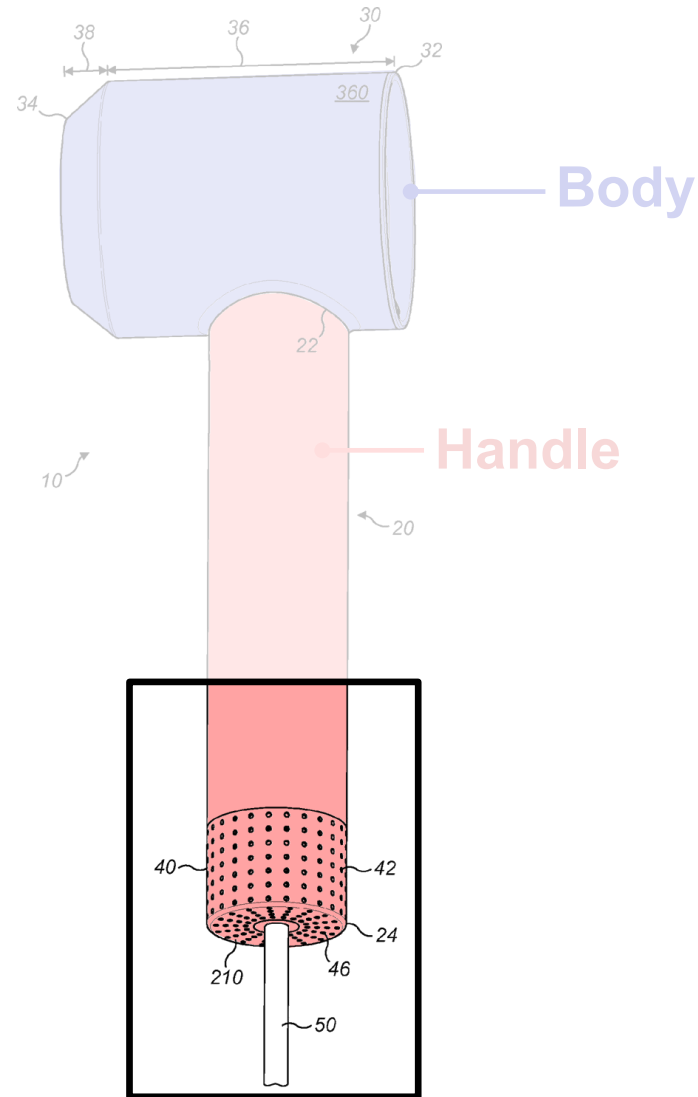


FIG. 2

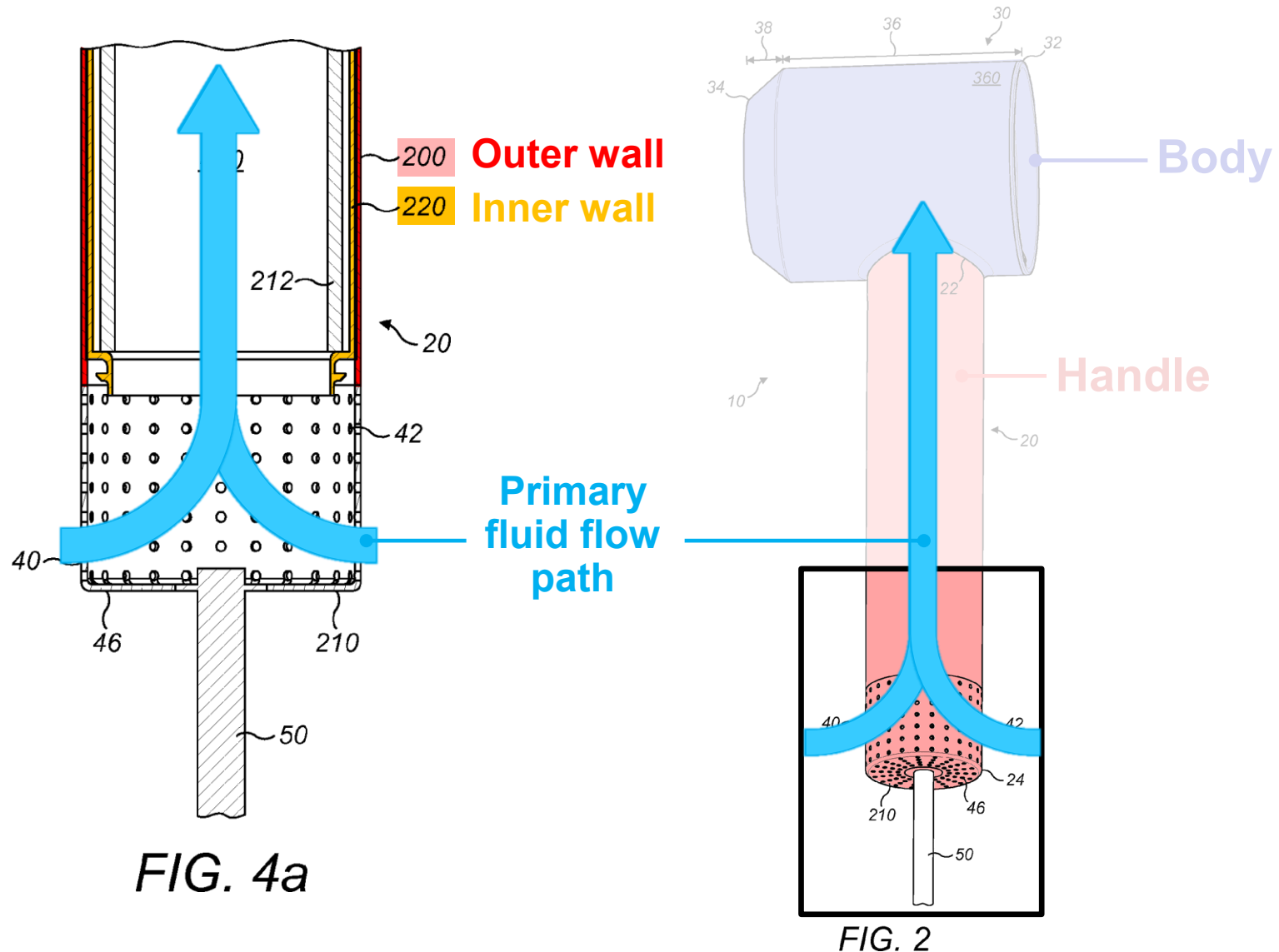
a hairdryer “with
a **handle 20** and
a **body 30**”

Pet., 13; '662 Patent (Ex. 1001) at 9:52-53

“The **handle 20**
has an **outer wall**
200 and an **inner**
wall 220.”

Pet., 15; '662 Patent (Ex. 1001) at 12:29-31

'662 Patent



the fluid flow path “extends from the primary inlet 40” at the bottom of **handle 20** “and into the **body 30**”

Pet., 13; '662 Patent (Ex. 1001) at 10:23-27

'662 Patent

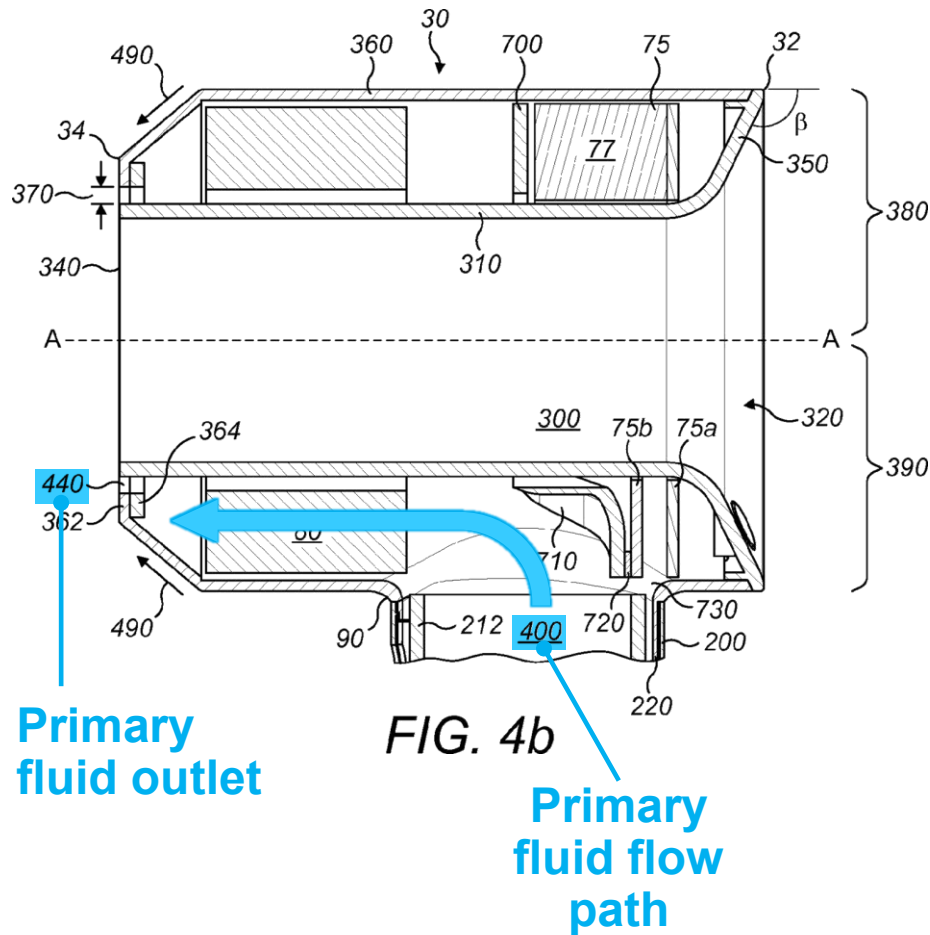


FIG. 4b

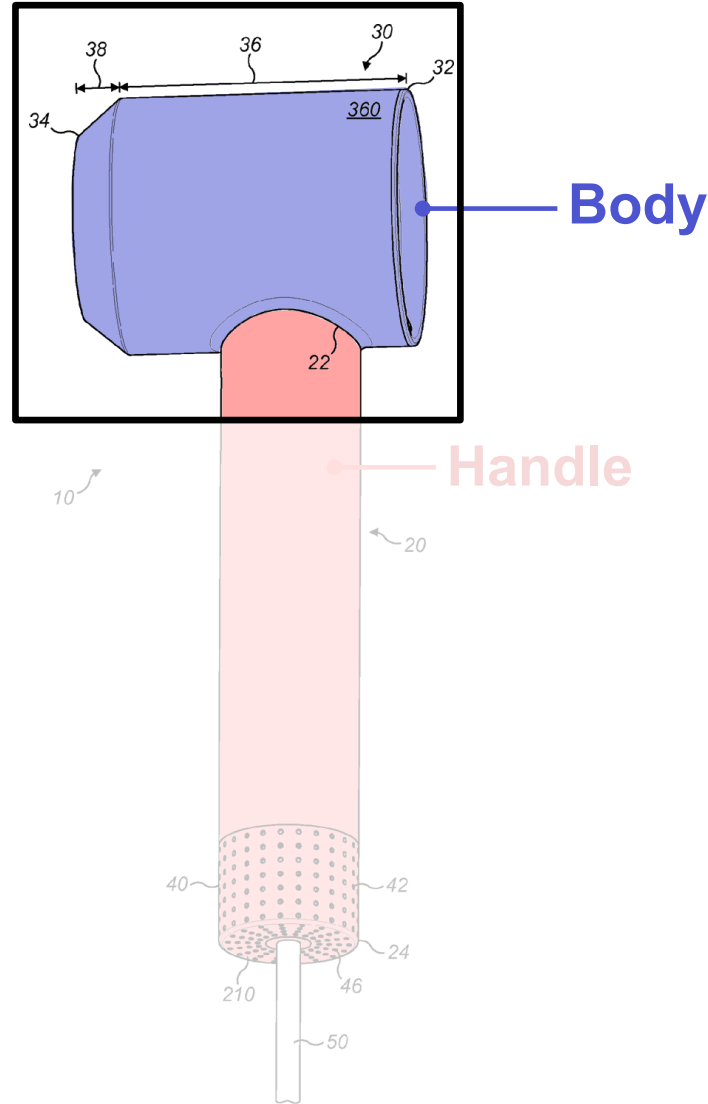


FIG. 2

a hairdryer “with
a **handle 20** and
a **body 30**”

Pet., 13; '662 Patent (Ex. 1001) at 9:52-53

“The **primary fluid flow path 400** is non linear and flows through the **handle 20** in a first direction and through the **body 30** in a second direction.”

Pet., 15; '662 Patent (Ex. 1001) at 10:31-34

Claim 26 of the '662 Patent

Limitation	Claim Language
26.pre	A hair care appliance comprising
26.a	a body and a handle,
26.b	the handle comprising an inner wall and an outer wall,
26.c	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,
26.d	wherein the outer wall is an external surface of the handle,
26.e	and wherein the primary fluid flow path from the primary fluid inlet to a primary fluid outlet from the body is non linear.

Claims 26–28 Are Invalid

- **Ground 1:** Anticipated by Jeong (all claims)
- **Ground 2:** Anticipated by Yoshida (all claims)
- **Ground 3:** Anticipated by Jeffs (all claims)
- **Ground 4:** Obviousness over Jeffs in view of Jeong (all claims)
- **Ground 5:** Obviousness over Jeffs in view of Yoshida (all claims)

Claim Construction

02

Patent Owner's Arguments Against All Grounds Depend on Claim Construction

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Paper 7
Entered: February 26, 2024

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,
Petitioner,

v.

DYSON TECHNOLOGY LIMITED,
Patent Owner.

IPR2023-01324
Patent 9,414,662 B2

Before JAMES A. TARTAL, FRANCES L. IPPOLITO, and
MATTHEW S. MEYERS, *Administrative Patent Judges*.

MEYERS, *Administrative Patent Judge*.

DECISION
Granting Institution of *Inter Partes* Review
35 U.S.C. § 314

- The Board already rejected Patent Owner's arguments in its Institution Decision
- Patent Owner's re-packaged arguments:
 - Have no textual support
 - Find no support in the figures
 - Are internally inconsistent

Patent Owner's Arguments Were Already Rejected

PATENT OWNER'S PRELIMINARY RESPONSE

Here, both the claim language and the specification support Patent Owner's construction of "inner wall" as "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." Claim 26 states that the "inner wall . . . defines a *primary* fluid flow

POPR at 3-4

INSTITUTION DECISION

repeatedly warned against confining the claims to those embodiments." In short, on the current record Patent Owner's proposed construction appears to add a limitation to claim 26 not required by claim 26.

ID at 17

PATENT OWNER'S RESPONSE

Challenged Claims. 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."¹ As discussed

POR at 3

Additionally, the phrase "into the appliance" must mean some portion of the hair care appliance that is not within the handle. EX-2002 ¶ 39. The handle is one

POR at 6

The specification further discloses that the outer wall 200 of the handle 20 does not have to extend over the entire length of the inner wall 220 implying that inner wall 220 must extend the full length of the handle from the primary fluid inlet 40 to body 30. EX-1001 at 12:54-65; EX-2002 ¶ 43.

POR at 9

PO's Claim Construction Not Supported by Claims

'662 PATENT, CLAIM 26

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.

'662 Patent (Ex. 1001) at Claim 26

INSTITUTION DECISION

On the current record, Patent Owner does not adequately explain why we should construe the “inner wall” in a manner such that it “must extend the length of the handle to complete the primary fluid flow path,” as Patent Owner suggests. *See* Prelim. Resp. 5. 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. Claim 26 does not appear to preclude another element from defining some part of the “primary fluid flow path” between the “inner wall” and the body, and so Patent Owner’s concern that if the “inner wall” did not meet the body, “the primary fluid flow path would not extend from the primary fluid inlet to the primary fluid outlet from the body” (*id.*), is not persuasive.

ID at 15

PO's Construction Improperly Reads Limitation Into Claims



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 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)

Inner Wall Does Not Extend Length of Handle in All Embodiments

“[t]he inner wall 560 is a duct which surrounds and defines a fluid flow path 550 through the appliance.”

'662 Patent (Ex. 1001) at 12:52-53

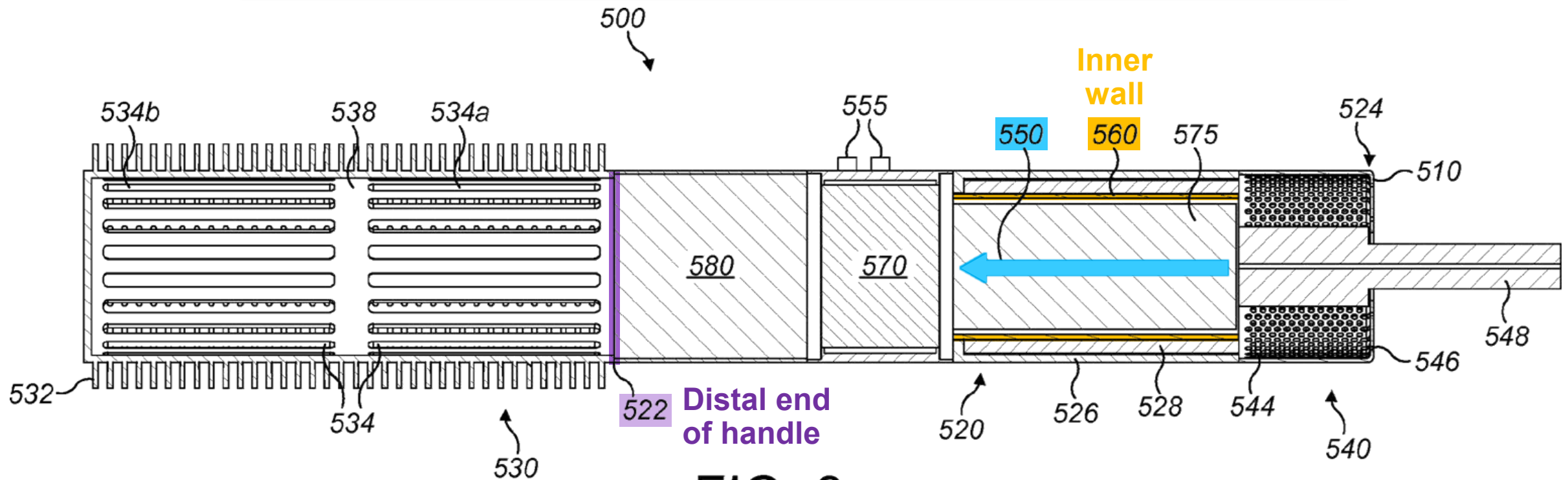
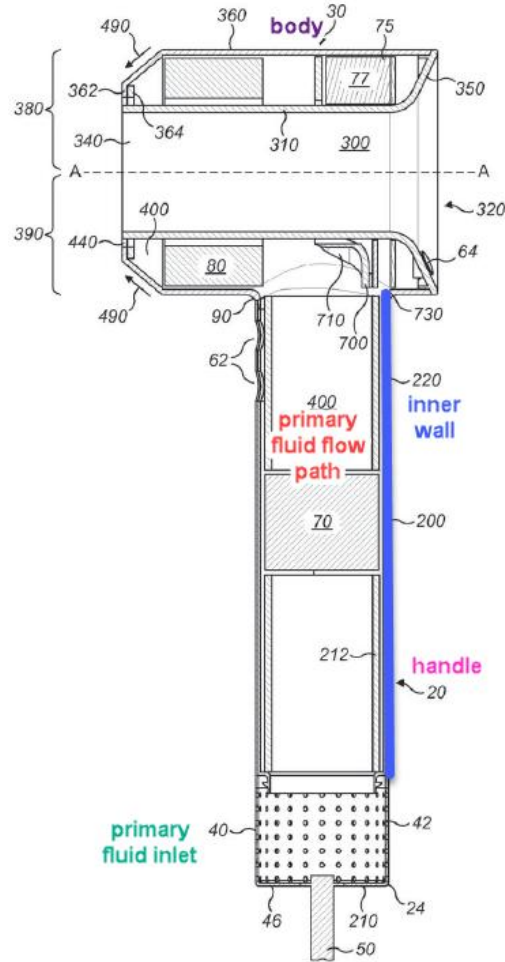


FIG. 8a

PO's Claim Construction Is Not Supported by the Figures

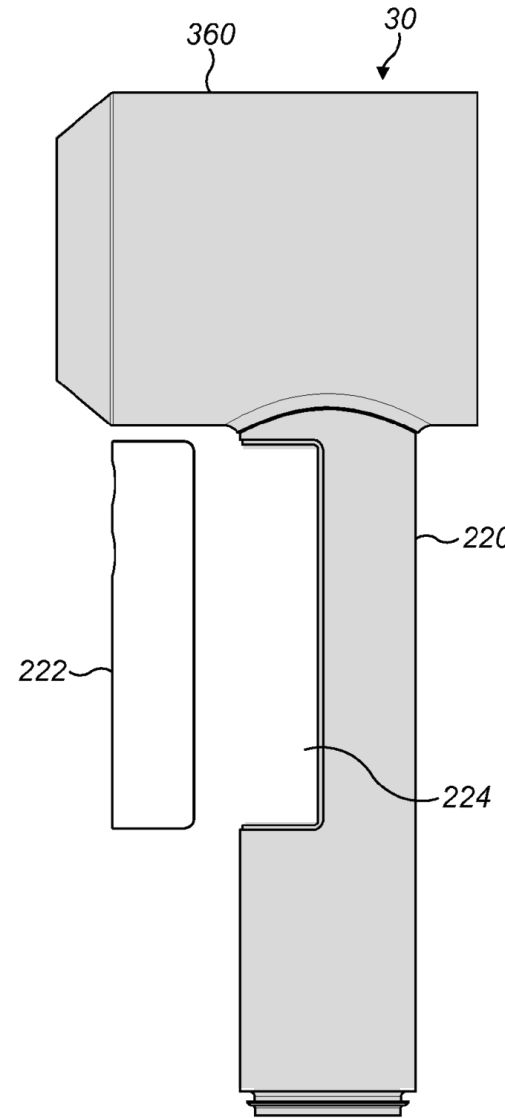
PATENT OWNER'S RESPONSE



Patent Owner identifies no support in the specification for its markups of where the upper end of the inner wall ends

PO's Claim Construction Is Not Supported by the Figures

- Where is the boundary between the “handle” and the “body”?
- Where is the boundary between the inner wall of the handle and the outer wall of the body (a one piece unit)?
- Where is the boundary between the outer wall of the handle and the outer wall of the body?



“outer wall 360 of the body 30 and inner wall 220 of the handle 20 are moulded as a one piece unit”

'662 Patent (Ex. 1001) at 11:61-63

PO's Claim Construction is Not Supported by the Figures

- Where is the boundary between the “handle” and the “body”?
- Where is the boundary between the inner wall of the handle and the outer wall of the body (a one piece unit)?
- Where is the boundary between the outer wall of the handle and the outer wall of the body?

Patent Owner's expert witness Dr. Roszelle was unable to clearly draw these three boundaries



Deposition of Dr. Breigh Roszelle

Q. What is that line?

A. I don't know off the top of my head.

Q. Do you think that's where the outer wall of the handle meets the outer wall of the body?

A. I don't know.

Roszelle Dep. Tr. (Ex. 1014) at 44:18-22

PO's Claim Construction Arguments Are Inconsistent

PATENT OWNER'S RESPONSE

Patent Owner acknowledges, as set forth in the Institution Decision, that unlike the embodiments discussed above, Claim 26 does not require the length of the inner wall to extend to the body. ID at 16-17. By specifying that the claimed

* * *

between the handle and the body. EX-2002 ¶ 44. However, 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. EX-2002 ¶ 44.

POR at 9-10

- Internally inconsistent
- Already rejected by the Board in its Institution Decision

On the current record, Patent Owner does not adequately explain why we should construe the “inner wall” in a manner such that it “must extend the length of the handle to complete the primary fluid flow path,” as Patent Owner suggests. See Prelim. Resp. 5. 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.

ID at 15

Ground 1

Anticipated by Jeong

03

Ground 1 Roadmap

1. Jeong discloses all limitations under the correct interpretation of the “inner wall” limitation
2. Jeong discloses that “the primary fluid flow in the body is substantially orthogonal to the primary fluid flow in the handle” (claim 28)

Ground 1: Jeong

JEONG

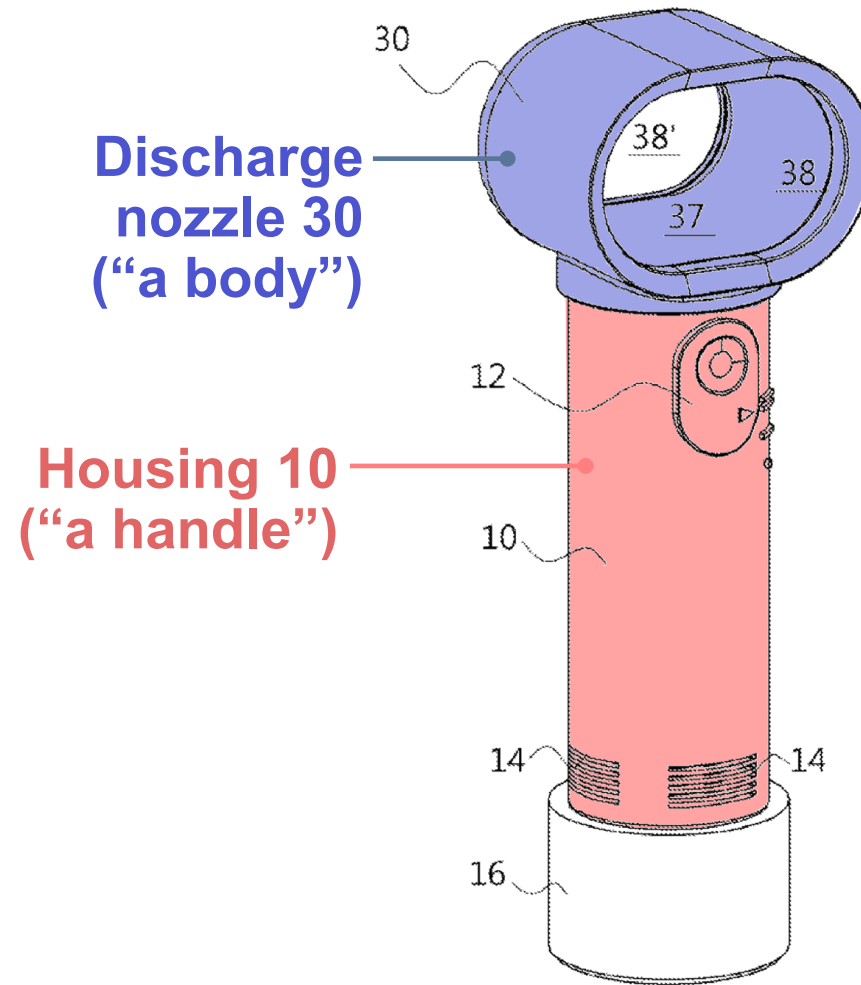


FIG. 1

"a hair dryer"

Pet., 22-23; Jeong (Ex. 1004) at Abstract, [0009]

**A "discharge nozzle 30" that
"is disposed on an upper
end of [a] housing 10"**

Pet., 24-27, 34-37; Jeong (Ex. 1004)
at [0030]-[0034], [0039], [0046]

Ground 1: Jeong

JEONG

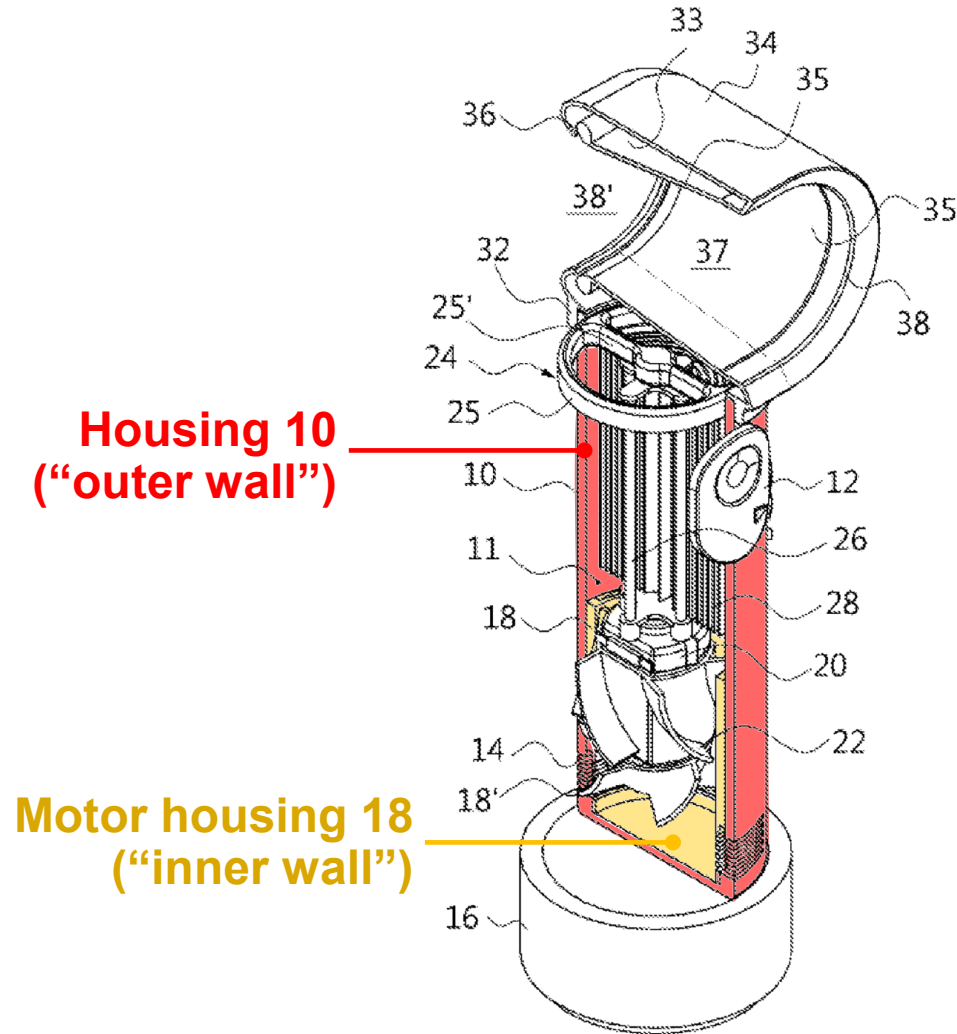


FIG. 2

"housing 10 provides an inner space 11," within which a "motor housing 18 disposed."

Pet., 27-29; Jeong (Ex. 1004)
at [0030]-[0034], [0037], [0046]

"motor 20 rotates fan 22, suctioning air through inflow slots 14 in housing 10 and corresponding inner inflow slots 18' in motor housing 18"

Pet., 30-34; Jeong (Ex. 1004)
at [0030]-[0034], [0037], [0046]

Ground 1: Jeong

JEONG

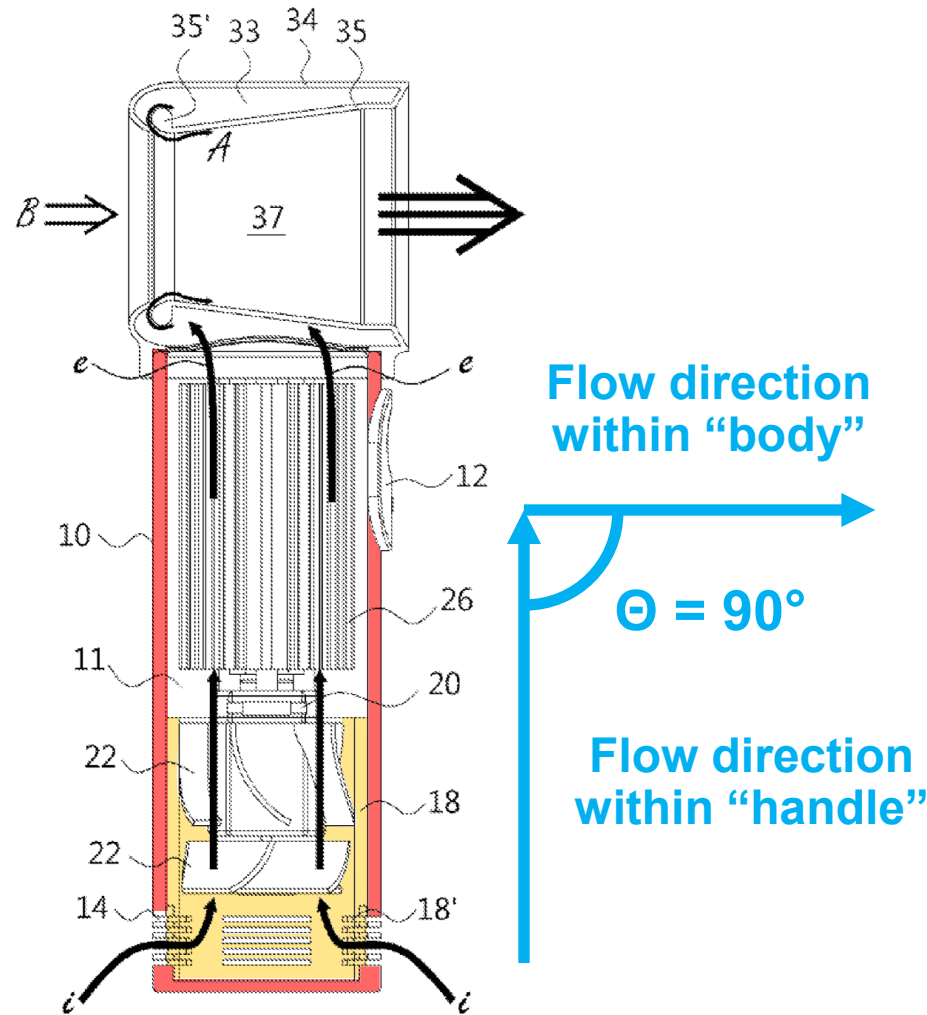


FIG. 5

Air travels through Jeong's handle and body as shown by arrows *i*, *A*, and *B*

Pet., 30-34, 38-43; Jeong (Ex. 1004) at [0033], [0037]

Ground 2

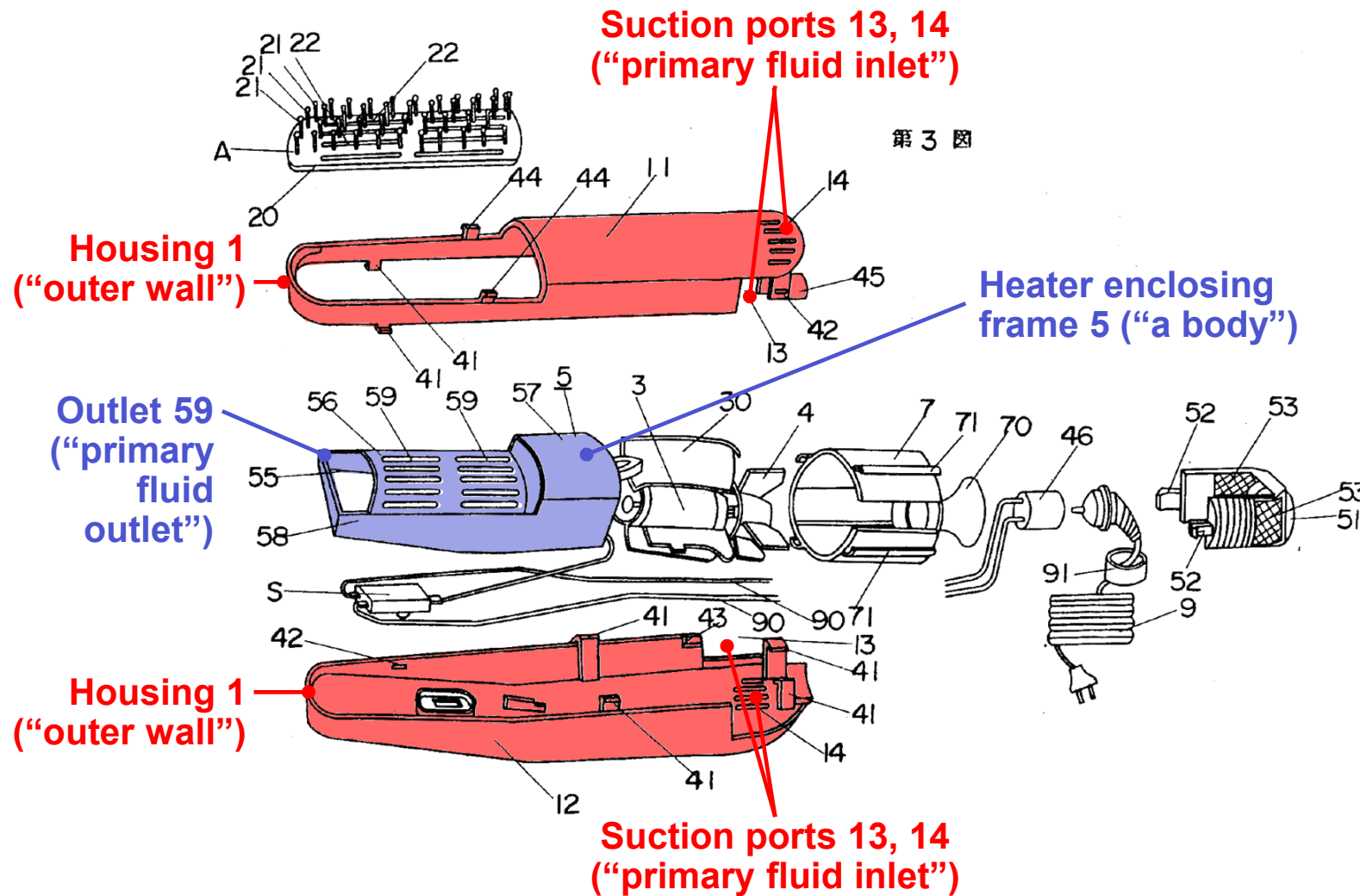
Anticipated by Yoshida

04

Ground 2 Roadmap

1. Yoshida discloses all limitations under the correct interpretation of the “inner wall” limitation
2. Yoshida discloses that “the primary fluid flow in the body is substantially orthogonal to the primary fluid flow in the handle” (claim 28)

YOSHIDA



“a hair dryer”

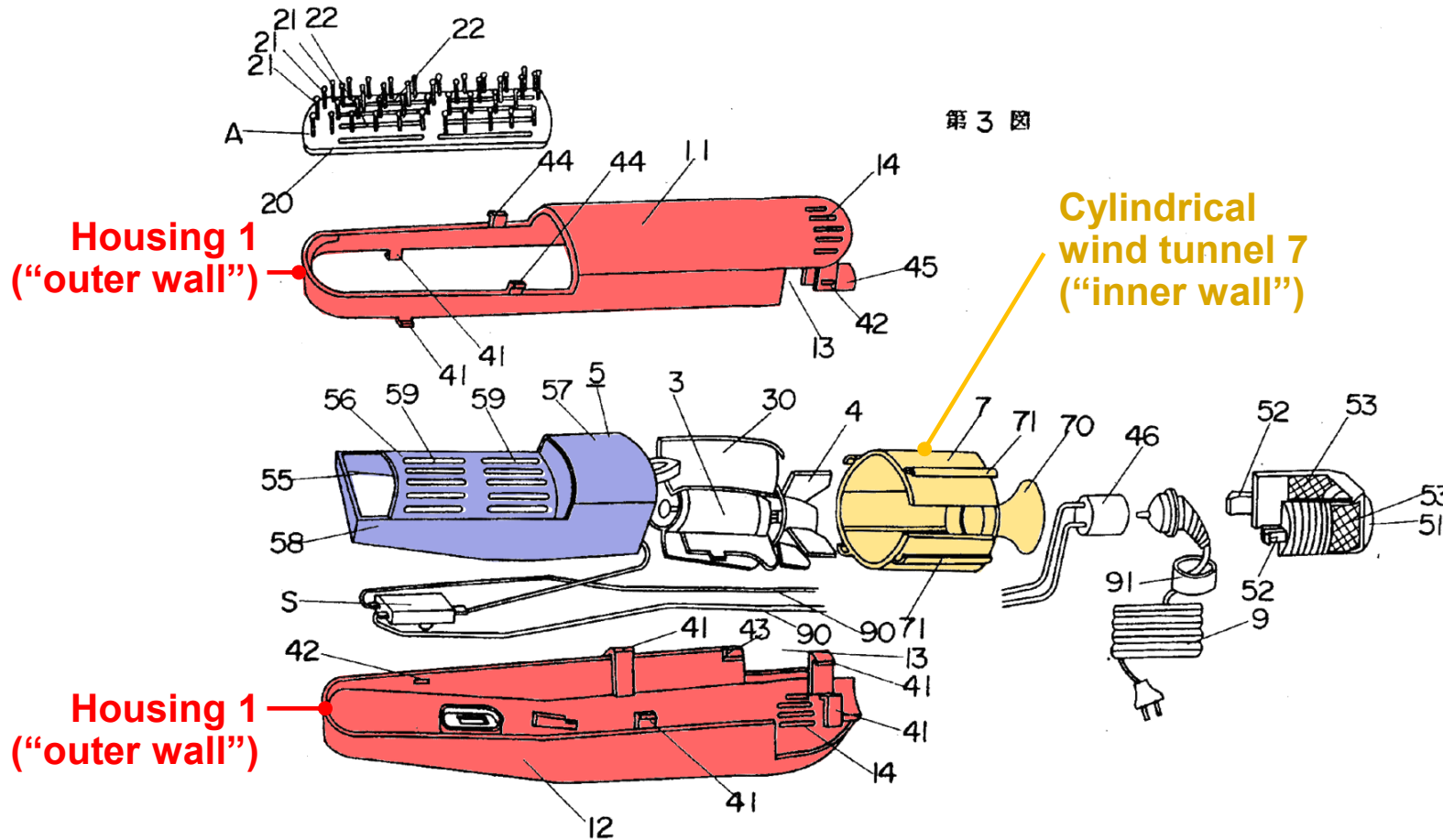
Pet., 49-50; Yoshida (Ex. 1005) at 48

a “heater enclosing
frame 5” incorporated
within a “housing 1” that
includes a wind tunnel 7

Pet., 50-53, 58-59; Yoshida (Ex. 1005) at 48-49

Ground 2: Yoshida

YOSHIDA



Cylindrical wind tunnel 7
is disposed within
housing 1

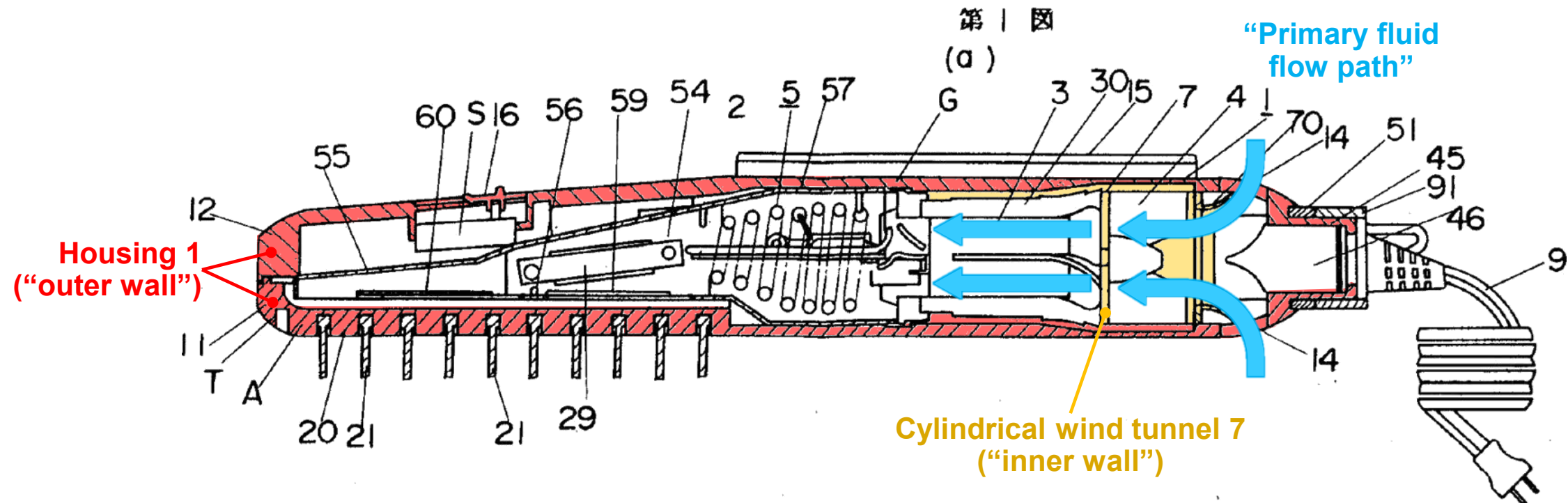
Pet., 53-55; Yoshida (Ex. 1005) at 48-49

Ground 2: Yoshida

YOSHIDA

Air flows “into the housing 1 from the suction ports 13 and 14” and is “guided by the partition plate 55 of the heater enclosing frame 5”

Pet., 55-57; Yoshida (Ex. 1005) at 49

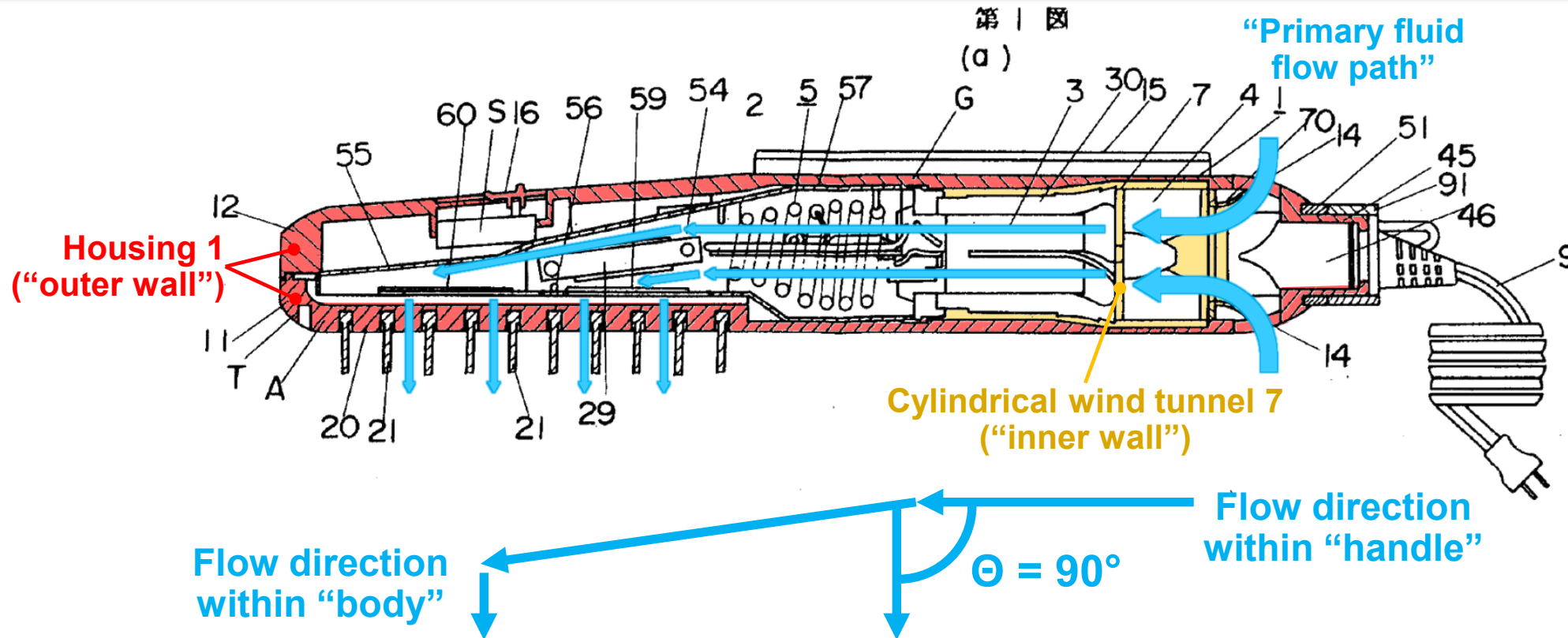


Ground 2: Yoshida

YOSHIDA

Air “is blown forward through an air outlet composed of the outlet 59 of the front plate 56 arranged on the front surface of the housing 1 and the slit 22 of the attachment A”

Pet., 60-63; Yoshida (Ex. 1005) at 49



Ground 3

Anticipated by Jeffs

05

Ground 3 Roadmap

1. The preamble of claim 26 is not limiting
2. Jeffs discloses all limitations under the correct interpretation of the “inner wall” limitation
3. Jeffs includes an “inner wall”
4. Jeffs discloses that “the primary fluid flow in the body is substantially orthogonal to the primary fluid flow in the handle” (claim 28)

The Preamble of Claim 26 Is Not Limiting



“Generally, the preamble does not limit the claims.”

Allen Eng’g Corp. v. Bartell Indus., Inc., 299 F.3d 1336, 1346 (Fed. Cir. 2002); Pet., 65



Where the “claim body describes a structurally complete invention such that deletion of the preamble phrase does not affect the structure or steps of the claimed invention,” the preamble is not limiting.

Catalina Mktg. Int’l, Inc. v. Coolsavings.com, Inc., 289 F.3d 801, 809 (Fed. Cir. 2002); Pet., 66

The Preamble of Claim 26 Is Not Limiting

The Board invited Patent owner to identify “what structural element is not present in the body of claim 26 that would necessitate the preamble to be construed as a limitation.”

Patent Owner identified nothing that would necessitate the preamble to be construed and relied solely on its Preliminary Response

INSTITUTION DECISION

preamble of claim 26 should be construed as a limitation. Patent Owner will have an opportunity to identify what structural element is not present in the body of claim 26 that would necessitate the preamble to be construed as a limitation.

ID at 35

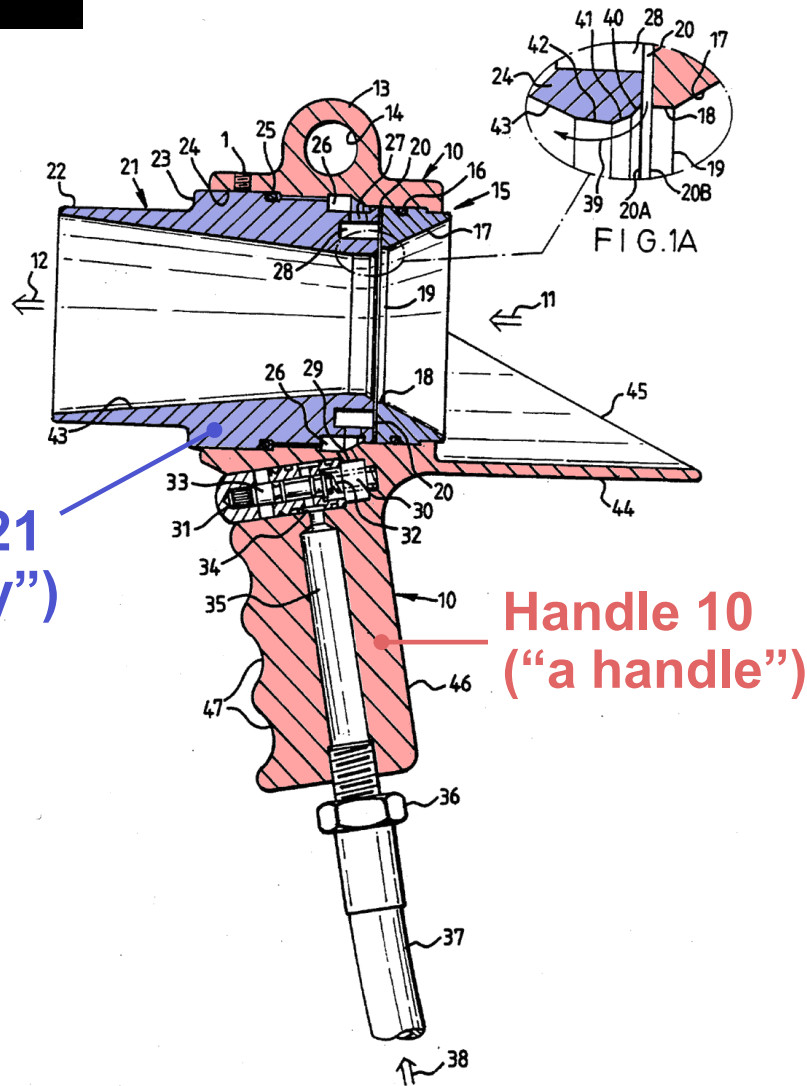
PATENT OWNER'S RESPONSE

⁵ Patent Owner still maintains that the preamble to Claim 26 is limiting and Jeffs does not disclose the claimed “hair care appliance” for at least the reasons presented in its Preliminary Response. Patent Owner reserves the right to argue as such in any other proceeding involving the '662 Patent or any patents regarding a related technology or claim language.

POR at 31, n.5

Ground 3: Jeffs

JEFFS

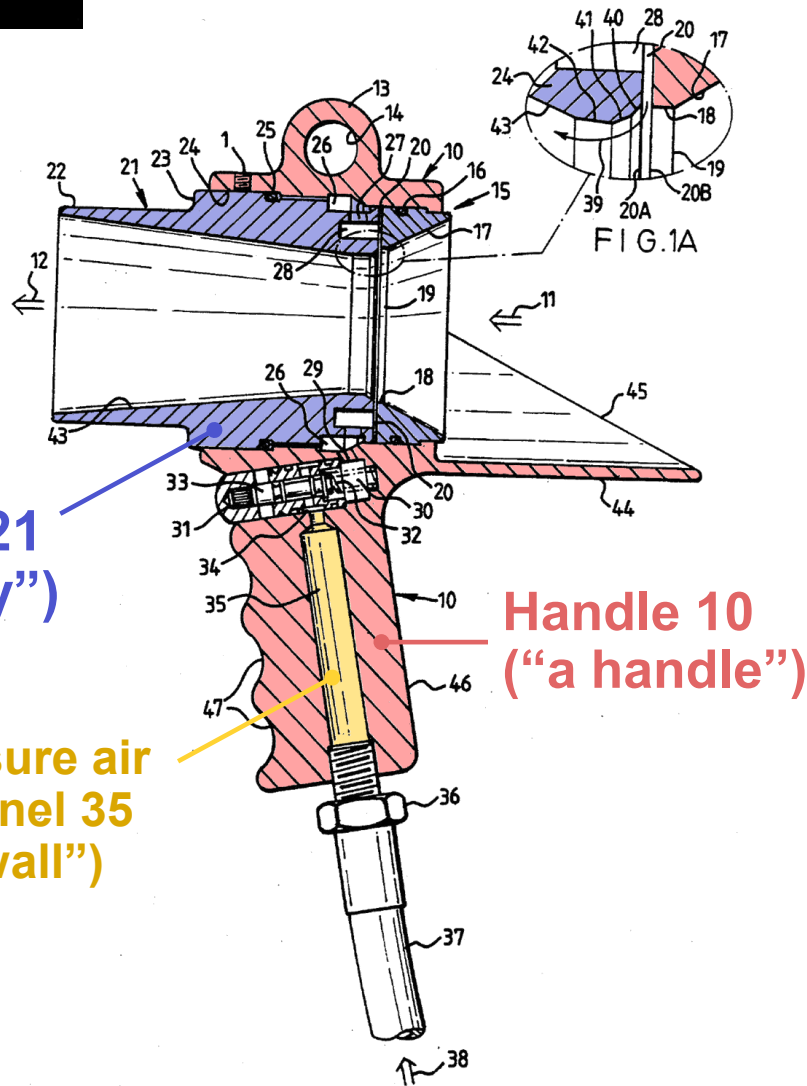


Jeffs' device "consists of two interconnected body components: a **handle 10** and a **barrel 21**"

Pet., 74-76; Jeffs (Ex. 1006) at 3:13-15, 3:38-42

Ground 3: Jeffs

JEFFS



**High pressure air inlet channel 35,
disposed within the handle 10,
comprises an "inner wall"**

Pet., 76-78, 82-83; Jeffs (Ex. 1006) at 3:13-25, 4:25-31

**"[H]igh pressure air 38 [is] conveyed
along flexible hose 37 and union 36 to
the channel 35 within the handle 10"**

Pet., 76-78; Jeffs (Ex. 1006) at 4:28-31

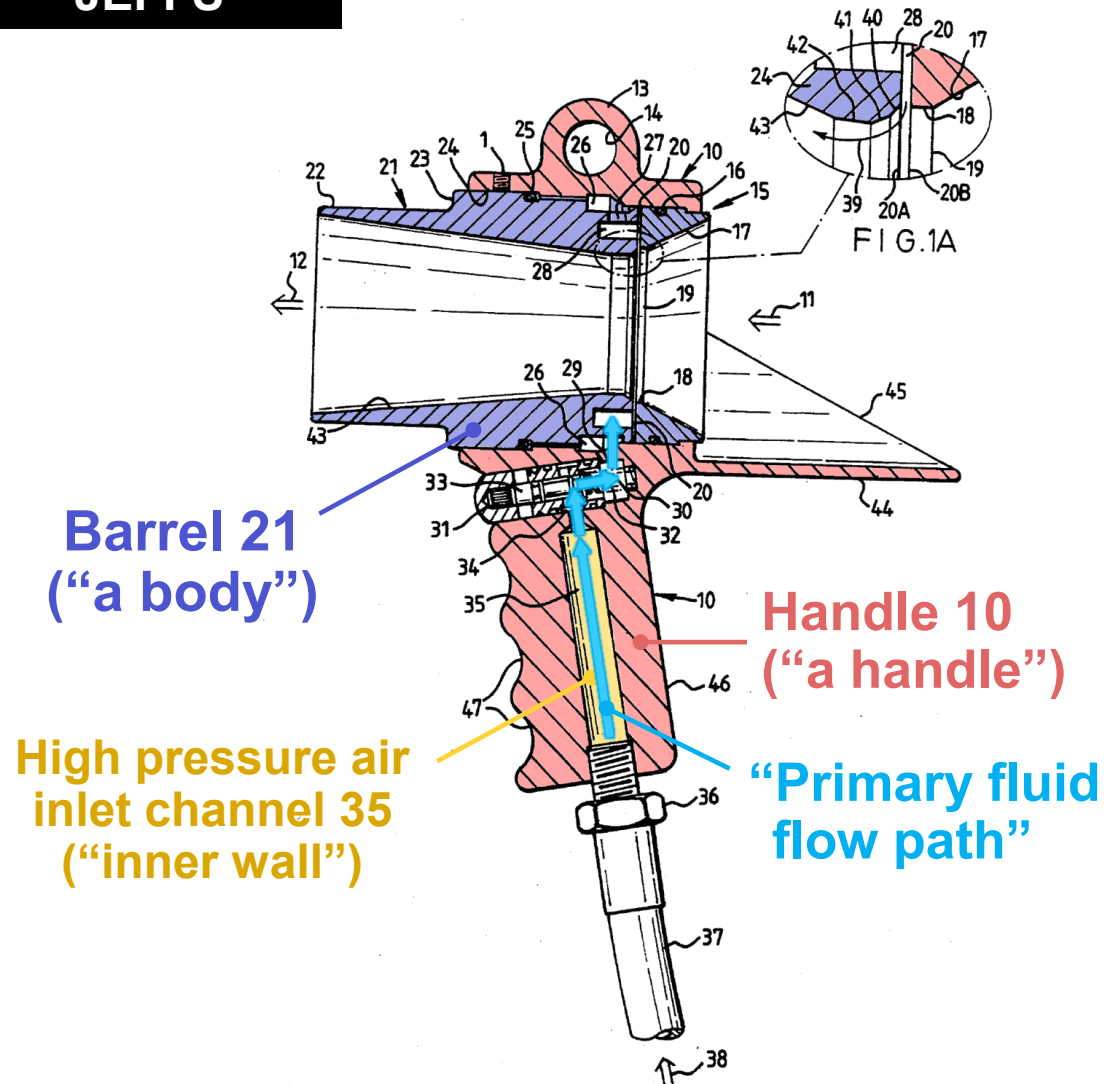
**High pressure air
inlet channel 35
("inner wall")**

**Barrel 21
("a body")**

**Handle 10
("a handle")**

Ground 3: Jeffs

JEFFS

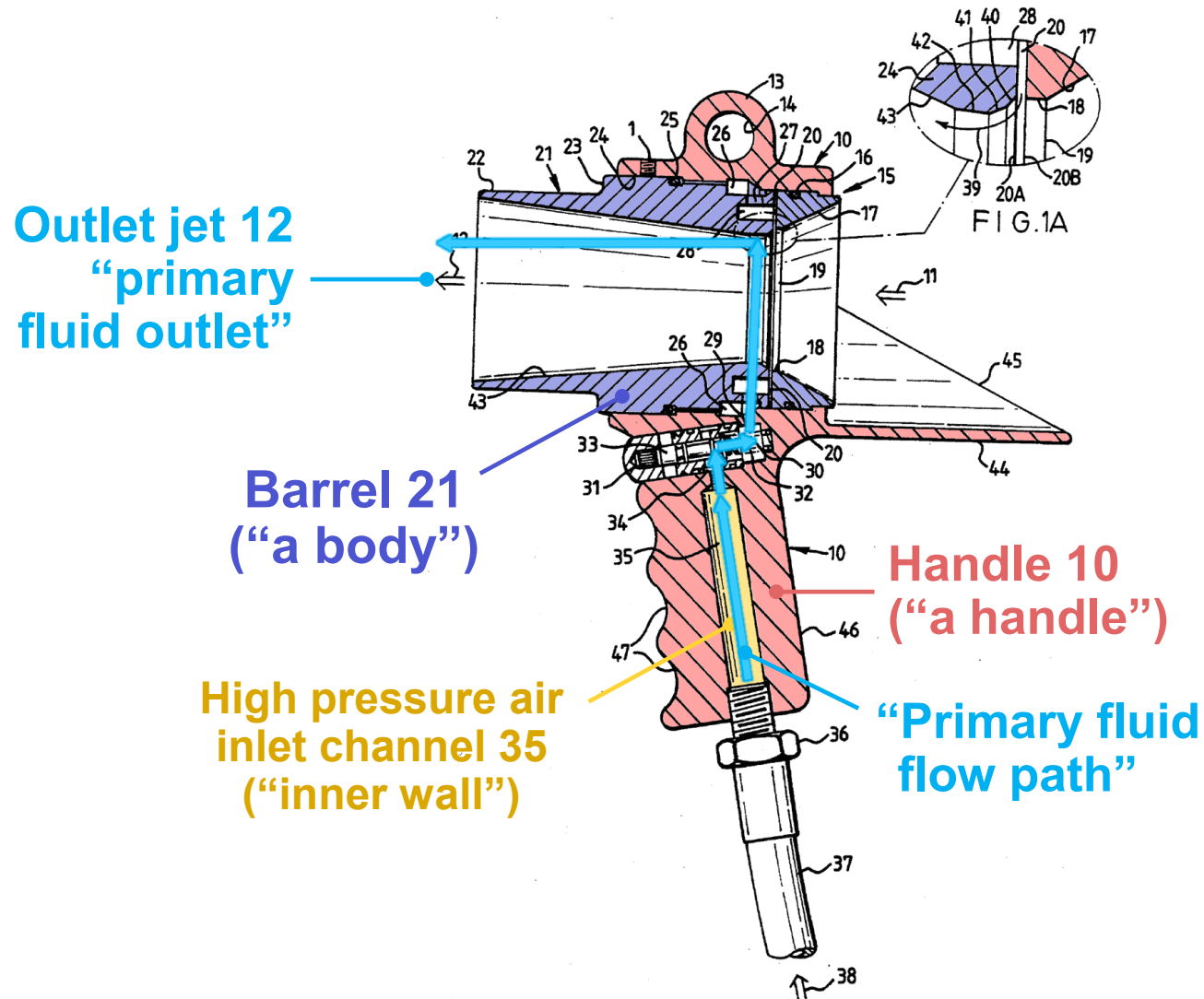


Air flows from the union 36 “to the channel 35 within the handle 10,” and reaches the inner chamber 30 and then “[f]rom the inner chamber 30, the high pressure air emerges through channel 29 to the barrel chambers 26 and 28, where it then emerges through the inlet slot 20”

Pet., 78-81; Jeffs (Ex. 1006) at 4:25-34

Ground 3: Jeffs

JEFFS



Grounds 4 and 5

Obvious Over Jeffs in View of Jeong/Yoshida

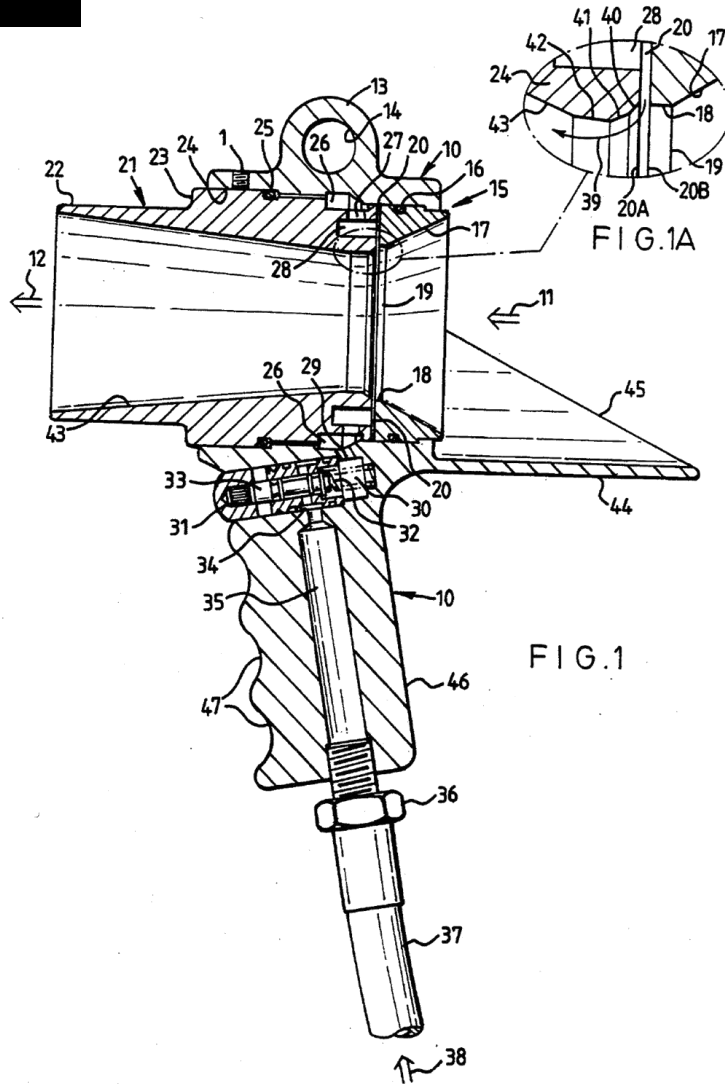
06

Grounds 4 & 5 Roadmap

1. A POSITA would have been motivated to combine Jeffs with Jeong/Yoshida
2. The combination of Jeffs and Jeong/Yoshida discloses all limitations

Grounds 4 and 5: Proposed Combination

JEFFS



Jeffs’ “hand-held air blower device for directing a jet of air in a desired direction,” is “capable of being readily re-directed and re-positioned by the operator.”

Pet., 66-67; Jeffs (Ex. 1006) at 1:6-10, 2:19-30, 3:3-4

“[I]t would have been obvious to a POSITA to utilize the Jeffs ‘hand-held air blower device’ as a hair care appliance” as taught by Jeong and Yoshida.

Grounds 4 and 5: Pet., 66-68; Nosenchuck Decl. (Ex. 1003) ¶¶ 124–33

