

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. IPR2024-00219

U.S. Patent No. 11,589,660

**PATENT OWNER'S CONTINGENT MOTION TO AMEND
PURSUANT TO 37 C.F.R. § 42.121**

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PATENT OWNER'S EXHIBIT LIST

Exhibit	Description
2001	https://web.archive.org/web/20160812223637/https://www.merriam-webster.com/dictionary/handheld
2002	https://web.archive.org/web/20160830192326/https://www.dictionary.com/browse/handheld
2003	https://web.archive.org/web/20160728065930/https://www.dictionary.com/browse/appliance
2004	https://web.archive.org/web/20160819123655/https://dictionary.cambridge.org/us/dictionary/english/appliance
2005	https://web.archive.org/web/20160819193036/https://www.merriam-webster.com/dictionary/appliance
2006	https://web.archive.org/web/20160822115546/https://www.merriam-webster.com/dictionary/attachment
2007	https://web.archive.org/web/20160726213831/https://dictionary.cambridge.org/us/dictionary/english/attachment
2008	https://web.archive.org/web/20160803090731/https://www.dictionary.com/browse/attachment
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Patent Owner Dyson Technology Limited (“Patent Owner”) respectfully moves under 35 U.S.C. § 316(d) and 37 C.F.R. § 42.121 to amend certain claims of U.S. Patent No. 11,589,660 (“the ’660 Patent”) contingent on the outcome of this trial as to whether Claims 1-9, 15, 18, 24, and 30-34 (the “Challenged Claims”)¹ are unpatentable. In the event the Board finds any original claim unpatentable, Patent Owner respectfully requests that the Board grant this Motion to Amend and issue the substitute claims corresponding to any original claim found unpatentable.

I. INTRODUCTION

As this Motion and the accompanying Declaration of Mr. Joel Delman (EX-2011) demonstrate, this Motion and the substitute claims meet all the requirements of 37 C.F.R. § 42.121. Specifically, each amended claim is responsive to a ground of unpatentability involved in this proceeding, none of the amendments seeks to enlarge the scope of the claims or introduce new subject matter, each amendment proposes only one substitute claim for each conditionally cancelled claim, and the Motion clearly shows the changes sought and the support in the original disclosure

¹ Patent Owner is not proposing a substitute claim for Challenged Claim 23 because Patent Owner’s proposed amendments incorporate the limitation of Challenged Claim 23 into the independent claims.

of the '660 Patent for each claim that is amended and the support in an earlier-filed disclosure for each claim for which benefit of the filing date of the earlier filed disclosure is sought.

Patent Owner further submits **Appendix A** that includes a clean version of substitute claims 40-56 and a marked-up version of substitute claims 40-56 showing amendments with respect to conditionally cancelled Claims 1-9, 15, 18, 24, and 30-34, respectively.

Petitioners bear the burden of proving unpatentability of the amended claims by a preponderance of the evidence. *See Aqua Prods. v. Matal*, 872 F.3d 1290, 1296 (Fed. Cir. 2017) (en banc) (“§ 316(e) unambiguously requires the petitioner to prove all propositions of unpatentability, including for amended claims”); *Lectrosonics, Inc. v. Zaxcom, Inc.*, Case IPR2018-01129, 01130, Paper 15 (Feb. 25, 2019) (“[P]atent owner does not bear the burden of persuasion to demonstrate the patentability of substitute claims presented in a motion to amend . . . the burden of persuasion ordinarily will lie with the petitioner to show that any proposed substitute claims are unpatentable by a preponderance of the evidence”).

Nevertheless, the instant Motion demonstrates that the proposed amended claims are patentable over the references at issue in this proceeding. Accordingly, Patent Owner respectfully requests the Board grant this Motion if Claims 1-9, 15, 18, 24,

and 30-34 are found unpatentable or partially grant this Motion with respect to any substitute claim corresponding to a challenged claim found unpatentable.

Patent Owner also requests preliminary guidance from the Board on this Motion to Amend under the pilot program concerning motion to amend practice and procedures in trial proceedings. 84 Fed. Reg. 9497, 9497-9507; *see also* Scheduling Order, Paper No. 11, at 4-5 (Jun. 10, 2024). This proceeding was instituted on June 5, 2024, which is after the March 15, 2019, starting date for this pilot program.

II. THE MOTION AND THE SUBSTITUTE CLAIMS MEET ALL THE REQUIREMENTS OF 37 C.F.R. § 42.121

A. The number of substitute claims is reasonable

As evidenced by **Appendix A** and the chart below, Patent Owner is only proposing one substitute claim for each challenge claim:

Original '660 Patent Challenged Claim	Contingent Substitute Claim
1	40
2	41
3	42
4	43
5	44
6	45
7	46
8	47
9	48
15	49
18	50
24	51
30	52
31	53

Original '660 Patent Challenged Claim	Contingent Substitute Claim
32	54
33	55
34	56

Because Patent Owner is only proposing one substitute claim for each Challenged Claim, it has proposed a reasonable number of substitute claims pursuant to 37 C.F.R. § 42.121(a)(3). *See Lectrosonics*, Paper 15 at 4.

B. The amendments do not enlarge the scope of the claims

Pursuant to 37 C.F.R. § 42.121(a)(2)(ii), the substitute claims do not seek to enlarge the scope of the original claims. Patent Owner has only proposed narrowing limitations to the two independent claims as amendments. Specifically, each of substitute claim 40 compared to Claim 1 and substitute claim 55 compared to Claim 33 adds “a second slot,” “a second protrusion to engage with the second slot,” and “wherein the actuator interacts with only one of the first and second protrusions.” The second slot and second protrusion are newly added elements and “actuator” has been further restricted to an actuator that “interacts with only one of the first and second protrusions.” Patent Owner is not seeking any additional amendments to the dependent claims. Thus, no aspect of the original claims is broadened in the substitute claims.

C. The substitute claims do not introduce new matter

The '660 Patent issued on February 28, 2023, from U.S. Pat. App. No. 15/689,705 (“the '705 Application”) filed on August 29, 2017 (EX-1002 at 327-

349, 363-368), which claims priority under 35 U.S.C. § 119 to Great Britain App. No. 1614825 (“the Priority Application”) filed on September 1, 2016 (EX-1002 at 287-317). As demonstrated in the below table, the substitute claims are supported by the originally filed disclosure of the ’705 Application and the Priority Application. Pursuant to 37 C.F.R. § 42.121(b), support for the substitute claim is provided below with reference to the originally filed ’705 Application and the Priority Application.

Substitute Claims	Support	
	’705 Application	Priority Application
40. A handheld appliance having a body and an attachment,	EX-1002 at 327, ¶[0005]	EX-1002 at 290:21-22
the body comprising an attachment mechanism having a first slot, <u>a second slot</u> , and an actuator	<i>Id.</i> at 327, ¶[0005], 331, ¶[0038]	<i>Id.</i> at 290:22-23, 294:5
the attachment comprising a first protrusion configured to engage with the first slot <u>and a second protrusion to engage with the second slot</u>	<i>Id.</i> at 328, ¶[0006], 331, ¶¶[0038], [0040]	<i>Id.</i> at 290:27-29, 294:5, 294:10-11

Substitute Claims	Support	
	'705 Application	Priority Application
wherein the actuator <u>interacts with only one of the first and second protrusions and</u>	<i>Id.</i> at 335, ¶¶[0066]-[0067] (comparing description of slots 232 to slot 232a), 363, Figs. 1a-1b, 366, Figs. 5-6b (Fig. 5 disclosing one slot and protrusion at the top interacting with an actuator while the slot in the center of Fig. 5 that is enlarged in Figs. 6a and 6b does not interact with an actuator and failing to disclose an aperture for the actuator to slide into slot 232, as opposed to Figs. 1a and 1b that disclose an aperture for the actuator to slide into slot 232a).	<i>Id.</i> at 298:1-19, 312, Figs. 1a-1b, 315, Figs. 5-6b
and has a first position and a second position and the actuator is slidably moved from the first position towards the second position in a longitudinal direction of the body as the first protrusion engages with the first slot;	<i>Id.</i> at 328, ¶[0007], 335-336, ¶¶[0067]-[0069]	<i>Id.</i> at 290:27-29, 298:1-19
wherein the body extends along a longitudinal axis and the first slot extends both radially around and axially along the body.	<i>Id.</i> at 328, ¶[0014]	<i>Id.</i> at 291:15-16

Substitute Claims	Support	
	'705 Application	Priority Application
41. The appliance of claim <u>40</u> [[1]], wherein in the first position, the actuator at least partially obscures the first slot.	<i>Id.</i> at 328, ¶[0008]	<i>Id.</i> at 290:31
42. The appliance of claim <u>40</u> [[1]], wherein the actuator comprises a surface which interacts with the first protrusion when the first protrusion engages with the first slot.	<i>Id.</i> at 328, ¶[0009]	<i>Id.</i> at 291:1-2
43. The appliance of claim <u>42</u> [[3]], wherein the surface is configured to at least partially define the first slot at or near the second position.	<i>Id.</i> at 328, ¶[0010]	<i>Id.</i> at 291:5-6
44. The appliance of claim <u>42</u> [[3]], wherein the first protrusion comprises a first face for engagement with the actuator.	<i>Id.</i> at 328, ¶[0015]	<i>Id.</i> at 291:18-19
45. The appliance of claim <u>44</u> [[5]], wherein the first face engages with the surface of the actuator.	<i>Id.</i> at 328, ¶[0016]	<i>Id.</i> at 291:21
46. The appliance of claim <u>40</u> [[1]], wherein when the first protrusion is at a predetermined position within the first slot, the actuator returns towards the first position.	<i>Id.</i> at 328, ¶[0011]	<i>Id.</i> at 291:8-9

Substitute Claims	Support	
	'705 Application	Priority Application
47. The appliance of claim <u>46</u> [[7]], wherein the actuator retains the attachment on the body.	<i>Id.</i> at 328, ¶[0013]	<i>Id.</i> at 291:13
48. The appliance of claim <u>40</u> [[1]], wherein the actuator is biased into the first position.	<i>Id.</i> at 328, ¶[0012]	<i>Id.</i> at 291:11
49. The appliance of claim <u>40</u> [[1]], wherein the body has a first end and a second end and the attachment mechanism is adjacent the second end.	<i>Id.</i> at 329, ¶[0022]	<i>Id.</i> at 292:6-7
50. The appliance of claim <u>40</u> [[1]], wherein the attachment comprises a collar extending around the attachment and the first protrusion extends from the collar.	<i>Id.</i> at 329, ¶[0025]	<i>Id.</i> at 292:18-19
51. The appliance of claim <u>40</u> [[23]], wherein the second protrusion and second slot are radially spaced from the first protrusion and the first slot.	<i>Id.</i> at 331, ¶[0039]	<i>Id.</i> at 294:7-8
52. The appliance of claim <u>40</u> [[1]], wherein the appliance is a hair care appliance.	<i>Id.</i> at 332, ¶[0047]	<i>Id.</i> at 295:7
53. The appliance of claim <u>52</u> [[30]], wherein the hair care appliance is a hot styling appliance.	<i>Id.</i> at 332, ¶[0048]	<i>Id.</i> at 295:9

Substitute Claims	Support	
	'705 Application	Priority Application
54. The appliance of claim <u>40</u> [[1]], wherein the first slot causes the attachment to pivot relative to the body as the first protrusion engages with the first slot.	<i>Id.</i> at 363, Figs. 1a-1b	<i>Id.</i> at 312, Figs. 1a-1b
55. A handheld appliance having a body and an attachment,	<i>Id.</i> at 327, ¶[0005]	<i>Id.</i> at 290:21-22
the body comprising an attachment mechanism having a first slot, <u>a second slot</u> , and an actuator	<i>Id.</i> at 327, ¶[0005], 331, ¶[0038]	<i>Id.</i> at 290:22-23, 294:5
the attachment comprising a first protrusion configured to engage with the first slot <u>and a second protrusion to engage with the second slot</u>	<i>Id.</i> at 328, ¶[0006], 331, ¶¶[0038], [0040]	<i>Id.</i> at 290:27-29, 294:5, 294:10-11

Substitute Claims	Support	
	'705 Application	Priority Application
wherein the actuator <u>interacts with only one of the first and second protrusions and</u>	<i>Id.</i> at 335, ¶¶[0066]-[0067] (comparing the description of slots 232 with slot 232a), 363, Figs. 1a-1b, 366, Figs. 5-6b (Fig. 5 disclosing one slot and protrusion at the top interacting with an actuator while the slot in the center of Fig. 5 that is enlarged in Figs. 6a and 6b does not interact with an actuator and failing to disclose an aperture for the actuator to slide into slot 232, as opposed to Figs. 1a and 1b that include an aperture for the actuator to slide into slot 232a)	<i>Id.</i> at 298:1-19, 312, Figs. 1a-1b, 315, Figs. 5-6b
and has a first position and a second position and the actuator is slidably moved from the first position towards the second position in a longitudinal direction of the body as the first protrusion engages with the first slot,	<i>Id.</i> at 328, ¶[0007], 335-336, ¶¶[0067]-[0069]	<i>Id.</i> at 290:27-29, 298:1-19
further comprising a user operated button which engages with the actuator.	<i>Id.</i> at 331, ¶[0036]	<i>Id.</i> at 293:30-31

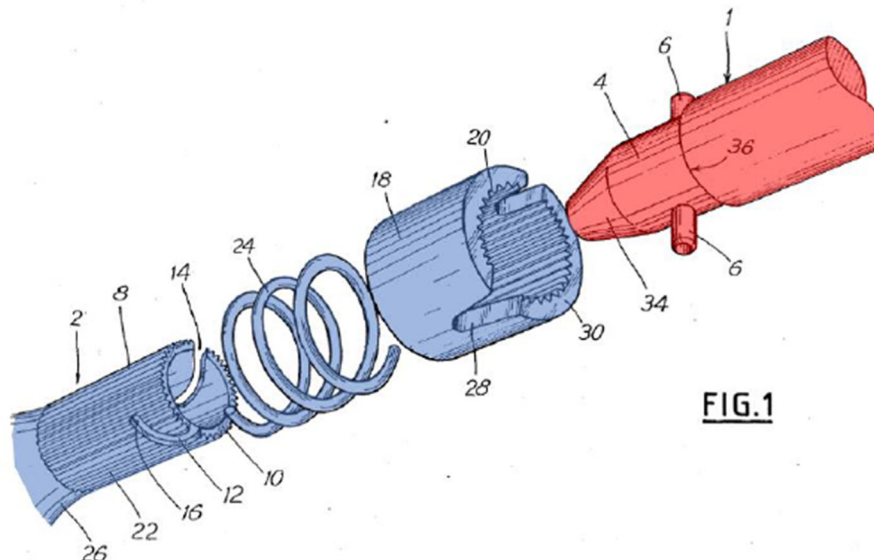
Substitute Claims	Support	
	'705 Application	Priority Application
56. The appliance of claim <u>55</u> [[33]], wherein actuation of the button moves the actuator from the first position to the second position to facilitate removal of an attachment from the body.	<i>Id.</i> at 331, ¶[0037]	<i>Id.</i> at 294:1-2

D. The substitute claims respond to each ground of unpatentability

Pursuant to 37 C.F.R. § 42.121(a)(2)(i), each of the amendments in the substitute claims respond to each of the six grounds of unpatentability set forth in the Petition. In particular, none of U.S. Patent No. 4,943,182 (“Hoblingre”); European Patent Application Publication No. EP 0791758 (“Mouhot”); U.S. Patent Application Publication No. 2015/0265022 (“Maclaine”); or U.S. Patent No. 6,161,244 (“Jeannet”), in any combination, disclose or render obvious the newly amended limitation “the body comprising an attachment mechanism having a first slot, a second slot, and an actuator, the attachment comprising a first protrusion configured to engage with the first slot and a second protrusion to engage with the second slot, wherein the actuator interacts with only one of the first and second protrusions.” The addition of these limitations further distinguishes and renders substitute claims 40-56 patentable over Hoblingre, Mouhot, Maclaine, and Jeannet for at least the reasons provided below.

1. Grounds 1-3: Hoblingre fails to anticipate or render obvious, either alone or in combination with Maclaine and/or Jeannet, substitute claims 40-56

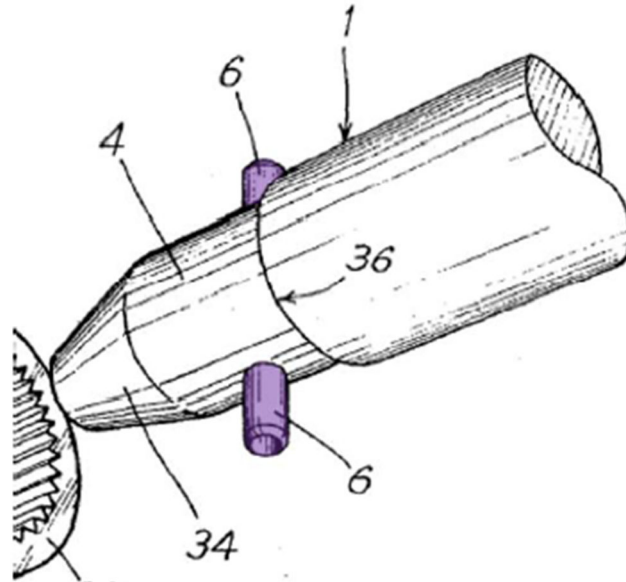
Hoblingre does not disclose “the body comprising an attachment mechanism having a first slot, a second slot, and an actuator, the attachment comprising a first protrusion configured to engage with the first slot and a second protrusion to engage with the second slot, wherein the actuator interacts with only one of the first and second protrusions” recited in each and every substitute claim. Petitioners assert that Hoblingre’s second shaft 2 comprising socket 8 and the guiding and locking means together corresponds to the claimed “body” and that Hoblingre’s first shaft 1 corresponds to the claimed “attachment.” Pet.² at 14-16; EX-1003 ¶¶ 66-71.



Pet. at 15; EX-1003 ¶ 67

² All cites to “Pet.” are to the Corrected Petition, Paper 9.

Petitioners then assert that Hoblingre's slots 12 correspond to the claimed "first slot" and "second slot." Pet. at 17-18; EX-1003 ¶¶ 74-75. Petitioners also assert that Hoblingre's driving pins 6 correspond to the claimed "first protrusion" and "second protrusion." Pet. at 20; EX-1003 ¶ 79.



Pet. at 20; EX-1003 ¶ 78

Finally, Petitioners assert that Hoblingre's guiding and locking means comprising ring 18 and coil spring 24 corresponds to the claimed "actuator." Pet. at 18-19; EX-1003 ¶ 76.

However, as explained in Hoblingre, ring 18 includes "two slots 28" that are each "disposed on top of one of the slots 12 of the socket 8." EX-1004 at 2:46-50; EX-2011 ¶ 141. The slots 28 each "has sufficient width to permit the entry of the pin 6," and is "laterally offset relative to the entrance 14 of the slot 12 so that the end edge 30 of the ring 18 partly closes this entrance of slot 12." EX-1004 at 2:39-

50; EX-2011 ¶ 141. Due to the force of coil spring 24 and “the inclination of the lower edge of the portion 16 of the slot 12, the pin[s] 6 [are] progressively laterally urged back by the edge of the slot[s] 28” such that the slots 28 of ring 18 provide that pins 6 are “angularly displaced relative to the entrance of the slot[s] 12” and approach the “inner end” of slots 28. EX-1004 at 2:65-3:3; EX-2011 ¶ 141. Based on ring 18 closing the entrances to both slots 12 and interacting with both pins 6 in order to allow pins 6 to enter and incline along slots 12, a POSITA would have found that ring 18 interacts with both pins 6. EX-2011 ¶ 141. Accordingly, ring 18 of Hoblingre’s guiding and locking means, which Petitioners assert corresponds to the claimed actuator, interacts with both pins 6, which Petitioners assert corresponds to the claimed first and second protrusions. EX-2011 ¶ 141. Thus, Hoblingre at least fails to disclose the added limitation “wherein the actuator interacts with only one of the first and second protrusions.” EX-2011 ¶ 141.

In addition, a POSITA would not have been motivated to modify Hoblingre’s guiding and locking means to interact with only one of the first and second pins 6. EX-2011 ¶ 142. A POSITA would have found that the guiding and locking means could not be modified so that it interacts with only one of first and second pins 6 and is still capable of guiding and locking first and second pins 6 within socket 8. EX-2011 ¶ 142. Hoblingre’s ring 18 blocks the entrance 14 to each slot 12 and slot 28 of ring 18 is what guides and locks each of pins 6 within

slots 12. EX-2011 ¶ 142. Thus, for Hoblingre’s guiding and locking means to perform its function of guiding and locking pins 6 in order to lock shafts 1 and 2 together, Hoblingre’s ring 18 of its guiding and locking means must interact with both pins 6. EX-2011 ¶ 142. Modifying Hoblingre to have the guiding and lock means interact with only one of pins 6 would change the principle of operation of Hoblingre. EX-2011 ¶ 142. If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the Board must exercise caution in finding that teachings of the references would have rendered the claims obvious. *Univ. of Md. Biotechnology Inst. V. Presens Precision Sensing GmbH*, 711 F. App’x 1007, 110 (Fed. Cir. 2017). Thus, Hoblingre fails to anticipate or render the substitute claims obvious.³

Additionally, neither Maclaine nor Jeannet teach or even suggest “the body comprising an attachment mechanism having a first slot, a second slot, and an actuator, the attachment comprising a first protrusion configured to engage with the first slot and a second protrusion to engage with the second slot, wherein the

³ As discussed in the Patent Owner Response, Hoblingre does not disclose the additional limitations of Claims 2 and 4. POR § IV.A. Because those limitations still exist in substitute claims 41 and 43, respectively, Hoblingre also fails to anticipate substitute claims 41 and 43 for the same reason. EX-2011 ¶ 143.

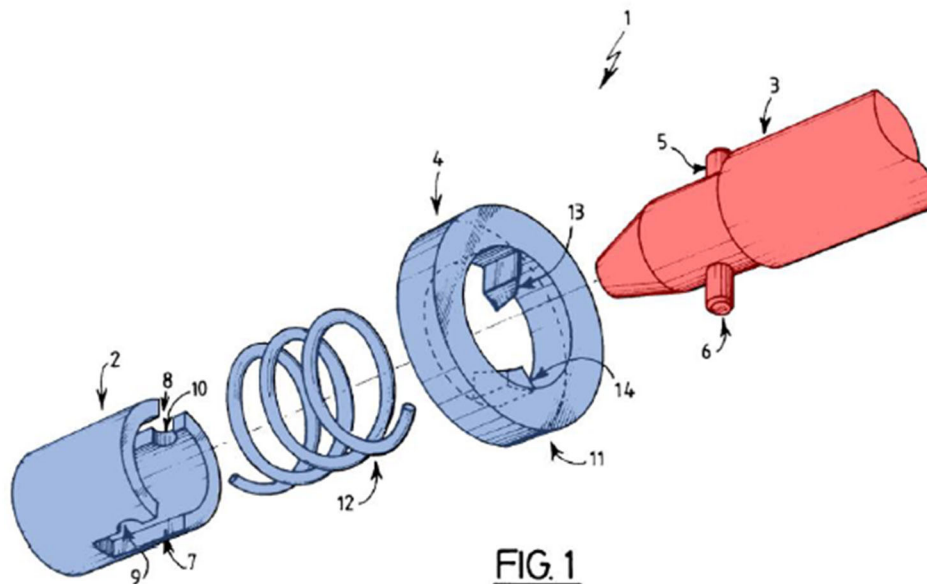
actuator interacts with only one of the first and second protrusions” of the substitute claims. Maclaine fails to teach any feature that corresponds to the claimed actuator, much less a feature that interacts with only one of first and second protrusions. EX-2011 ¶ 144. Jeannet fails to teach a second slot or second protrusion, much less “wherein the actuator interacts with only one of the first and second protrusions.” EX-2011 ¶ 144. Thus, nothing in Maclaine or Jeannet would have provided a POSITA with a reason to modify Hoblingre to include this added limitation.⁴ EX-2011 ¶ 144.

2. Grounds 4-6: Mouhot fails to anticipate or render obvious, either alone or in combination with Maclaine and Jeannet, substitute claims 40-56

Mouhot does not disclose “the body comprising an attachment mechanism having a first slot, a second slot, and an actuator, the attachment comprising a first

⁴ As discussed in the Patent Owner Response, Hoblingre in combination with Maclaine would not have rendered obvious Claims 1-9, 15, 18, 24, and 30-32, and Hoblingre in combination with Maclaine and Jeannet would not have rendered obvious Claims 1-9, 15, 18, 24, and 30-34. POR §§ IV.B-C. For those same reasons, Hoblingre in combination with Maclaine and Hoblingre in combination with Maclaine and Jeannet also would have failed to render obvious substitute claims 40-56. EX-2011 ¶ 145.

protrusion configured to engage with the first slot and a second protrusion to engage with the second slot, wherein the actuator interacts with only one of the first and second protrusions” recited in the substitute claims. Petitioners assert that Mouhot’s socket 2 and locking means 4 together corresponds to the claimed “body” and that Mouhot’s shank 3 corresponds to the claimed “attachment.” Pet. at 61-62; EX-1003 ¶¶ 167-169.

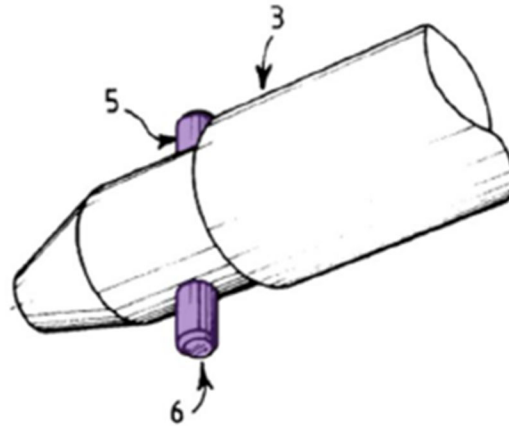


Pet. at 62; EX-1003 ¶ 168

Petitioners then assert that Mouhot’s slots 7 and 8 in combination with stop means 9 and 10 correspond to the claimed “first slot” and “second slot.”⁵ Pet. at 63-64;

⁵ For the reasons provided in the Patent Owner Response, Patent Owner does not agree that a combination of slot 7 and stop means 9 corresponds to the claimed

EX-1003 ¶¶ 173-175. Petitioners also assert that Mouhot’s protruding parts 5 and 6 correspond to the claimed “first protrusion” and “second protrusion.” Pet. at 67; EX-1003 ¶ 179.



Pet. at 67; EX-1003 ¶ 178

Finally, Petitioners assert that Mouhot’s locking means 4 comprising ring 11 and coil spring 12 corresponds to the claimed “actuator.” Pet. at 65; EX-1003 ¶ 176.

However, as explained in Mouhot, locking means 4 includes two wedge-shaped means movable in the each corresponding slot of the socket. EX-1005 at 3:8-9; EX-2011 ¶ 151. In particular, Mouhot describes locking means 4 as a combination of coil spring 12 and a ring 11 arranged around the socket and including the wedge-shaped means 13, 14 protruding radially toward the inside of the ring 11. EX-1005 at 3:13-18; EX-2011 ¶ 151. “[W]hen the shank 3 is inserted

“first slot” and that a combination of slot 8 and stop means 9 corresponds to the claimed “second slot.” POR § IV.D.1; EX-2011 ¶ 148.

into socket 2, each lateral protruding part 6, for example, of this shank, comes to bear against the first sloped surface 14b, for example, of the corresponding wedge-shaped means 14, for example, which extend into the corresponding slot 7, for example of the socket.” EX-1005 at 3:34-37; EX-2011 ¶ 151. “[E]ach lateral protruding part 6 of the shank is guided by the first sloped surface 14b of the corresponding wedge-shaped means, in the direction of the corresponding stop means consisting, for example, of recess 9 of the slot of the socket.” EX-1005 at 3:40-42; EX-2011 ¶ 151. Based on Mouhot teaching that each lateral protruding part 5, 6 bears against a surface of a corresponding wedge-shaped means 13, 14 of ring 11 within a corresponding slot 7, 8 to first urge ring 11 axially against coil spring 12 and then to be guided by a surface of the corresponding wedge-shaped means into a corresponding stop means 9, 10, a POSITA would have found that ring 11 interacts with both lateral protruding parts 5, 6. EX-2011 ¶ 152.

Accordingly, ring 11 of Mouhot’s locking means 4, which Petitioners assert corresponds to the claimed actuator, interacts with both lateral protruding parts 5, 6, which Petitioners assert corresponds to the claimed first and second protrusions. EX-2011 ¶ 152. Thus, Mouhot at least fails to disclose the added limitation “wherein the actuator interacts with only one of the first and second protrusions.” EX-2011 ¶ 152.

In addition, a POSITA would not have been motivated to modify Mouhot's locking means to interact with only one of the lateral protruding parts 5, 6. EX-2011 ¶ 153. In fact, a POSITA would have expected that modifying Mouhot's locking means 4 to interact with only one of lateral protruding parts 5, 6 would render Mouhot inferior for its intended purpose of locking socket 2 and shank 3 together via locking lateral protruding parts 5, 6 in respective stop means 9, 10. EX-2011 ¶ 153. Modifying Mouhot's locking means 4 to interact with only one of lateral protruding parts 5, 6 would require one of wedge-shaped means 13, 14 to be removed. EX-2011 ¶ 153. Otherwise, each wedge-shaped means 13, 14 must interact with a lateral protruding part 5, 6 in order for lateral protruding part 5, 6 to enter slot 7, 8 because each wedge-shaped means 13, 14 blocks entrance to slot 7, 8 until lateral protruding parts 5, 6 move the wedge-shaped means axially towards coil spring 12. EX-2011 ¶ 153. Modifying Mouhot's ring 11 to remove one of wedge-shaped means 13, 14 would render ring 11 supported on only one portion of socket 2 rather than both laterally opposite portions of socket 2. EX-2011 ¶ 153. Where Mouhot's ring 11 is supported on only one portion of socket 2, engagement of only one of lateral protruding parts 5, 6 against only one wedge-shaped means 13 would create a force against only that portion of ring 11 that would not be equalized by a similar force against a wedge-shaped means on laterally opposite to wedge-shaped means 13. EX-2011 ¶ 153. A POSITA would have recognized that

in such an embodiment the force against only wedge-shaped means 13 would result in tilting of ring 11 with respect to socket 2 that would hamper axial sliding of ring 11 towards coil spring 12 because inner surface of ring 11 would be angled towards and likely rub against the outer surface of socket 2. EX-2011 ¶ 153.

In addition, where only one wedge-shaped means is holding only one of the lateral protruding parts within a stop means, a POSITA would have expected that it would have been easier for shank 3 to become disengaged from socket 2 when there is movement of the two motor vehicle steering members joined by socket 2 and shank 3 when compared with Mouhot's existing configuration. EX-2011 ¶ 154. Thus, a POSITA would have recognized that a modification of Mouhot in which ring 11 includes only one wedge-shaped means and interaction between ring 11 and only one of lateral protruding parts 5, 6 would have rendered Mouhot inferior for its intended purpose of locking two steering members of a motor vehicle together because the engagement is made more difficult and accidental disengagement is made more likely by such a modification. EX-2011 ¶ 154.

Because such a modification would have been expected by a POSITA to render Mouhot inferior for its intended purpose of creating a coupler that was easy to join the two features, but would not easily disengage during use, a POSITA would not have been motivated to modify Mouhot to include a ring 11 that interacts with only

one of the two lateral protruding parts 5, 6. EX-2011 ¶ 154. Thus, Mouhot fails to anticipate or render the substitute claims obvious.⁶

Neither Maclaine nor Jeannet teach or even suggest “the body comprising an attachment mechanism having a first slot, a second slot, and an actuator, the attachment comprising a first protrusion configured to engage with the first slot and a second protrusion to engage with the second slot, wherein the actuator interacts with only one of the first and second protrusions” recited in the substitute claims. Maclaine fails to teach any feature that corresponds to the claimed actuator, much less a feature that interacts with only one of first and second protrusions. EX-2011 ¶ 156. Jeannet fails to teach a second slot or second protrusion, much less “wherein the actuator interacts with only one of the first and second protrusions.” EX-2011 ¶ 156. Thus, nothing in Maclaine or Jeannet would have provided a reason to modify Mouhot to include this added limitation.⁷ EX-2011 ¶ 156.

⁶ As discussed in the Patent Owner Response, Mouhot also does not disclose additional limitations present in each of the Challenged Claims. POR § IV.D. Because those limitations still exist in substitute claims 40-56, Hoblingre also fails to anticipate substitute claims 40-56 for the same reason. EX-2011 ¶ 155.

⁷ As discussed in the Patent Owner Response, Mouhot in combination with Maclaine would not have rendered obvious Claims 1-9, 15, 18, 24, and 30-32, and

III. CONCLUSION

Patent Owner satisfied the requirements of 37 C.F.R. § 42.121, and thus, the substitute claims should be entered into the record in this matter contingent upon a finding of unpatentability with respect to the Challenged Claims. Moreover, for the reasons given, should any Challenged Claim be found unpatentable, the respective substitute claim is patentable. Thus, for the foregoing reasons, Patent Owner respectfully requests that the Motion to Amend is granted contingent upon a finding of unpatentability of the Challenged Claims.

Respectfully submitted,

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Date: August 29, 2024

Mouhot in combination with Maclaine and Jeannet would not have rendered obvious Claims 1-9, 15, 18, 24, and 30-34. POR §§ IV.E-F. For those same reasons, Mouhot in combination with Maclaine and Mouhot in combination with Maclaine and Jeannet also would have failed to render obvious substitute claims 40-56. EX-2011 ¶ 157.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing **PATENT OWNER'S CONTINGENT MOTION TO AMEND PURSUANT TO 37 C.F.R. § 42.121** was served upon Petitioners by email on August 29, 2024:

GDC-SharkNinjaIPRD@gibsondunn.com

Date: August 29, 2024

/Christopher P. Bruenjes/
Christopher P. Bruenjes

CLAIMS APPENDIX A

CLEAN

Claim 40 (Substitute for claim 1, if found unpatentable)

Claim 40. A handheld appliance having a body and an attachment, the body comprising an attachment mechanism having a first slot, a second slot, and an actuator, the attachment comprising a first protrusion configured to engage with the first slot and a second protrusion to engage with the second slot, wherein the actuator interacts with only one of the first and second protrusions and has a first position and a second position and the actuator is slidably moved from the first position towards the second position in a longitudinal direction of the body as the first protrusion engages with the first slot; wherein the body extends along a longitudinal axis and the first slot extends both radially around and axially along the body.

Claim 41 (Substitute for claim 2, if found unpatentable)

Claim 41. The appliance of claim 40, wherein in the first position, the actuator at least partially obscures the first slot.

Claim 42 (Substitute for claim 3, if found unpatentable)

Claim 42. The appliance of claim 40, wherein the actuator comprises a surface which interacts with the first protrusion when the first protrusion engages with the first slot.

Claim 43 (Substitute for claim 4, if found unpatentable)

Claim 43. The appliance of claim 42, wherein the surface is configured to at least partially define the first slot at or near the second position.

Claim 44 (Substitute for claim 5, if found unpatentable)

Claim 44. The appliance of claim 42, wherein the first protrusion comprises a first face for engagement with the actuator.

Claim 45 (Substitute for claim 6, if found unpatentable)

Claim 45. The appliance of claim 44, wherein the first face engages with the surface of the actuator.

Claim 46 (Substitute for claim 7, if found unpatentable)

Claim 46. The appliance of claim 40, wherein when the first protrusion is at a predetermined position within the first slot, the actuator returns towards the first position.

Claim 47 (Substitute for claim 8, if found unpatentable)

Claim 47. The appliance of claim 46, wherein the actuator retains the attachment on the body.

Claim 48 (Substitute for claim 9, if found unpatentable)

Claim 48. The appliance of claim 40, wherein the actuator is biased into the first position.

Claim 49 (Substitute for claim 15, if found unpatentable)

Claim 49. The appliance of claim 40, wherein the body has a first end and a second end and the attachment mechanism is adjacent the second end.

Claim 50 (Substitute for claim 18, if found unpatentable)

Claim 50. The appliance of claim 40, wherein the attachment comprises a collar extending around the attachment and the first protrusion extends from the collar.

Claim 51 (Substitute for claim 24, if found unpatentable)

Claim 51. The appliance of claim 40, wherein the second protrusion and second slot are radially spaced from the first protrusion and the first slot.

Claim 52 (Substitute for claim 30, if found unpatentable)

Claim 52. The appliance of claim 40, wherein the appliance is a hair care appliance.

Claim 53 (Substitute for claim 31, if found unpatentable)

Claim 53. The appliance of claim 52, wherein the hair care appliance is a hot styling appliance.

Claim 54 (Substitute for claim 32, if found unpatentable)

Claim 54. The appliance of claim 40, wherein the first slot causes the attachment to pivot relative to the body as the first protrusion engages with the first slot.

Claim 55 (Substitute for claim 33, if found unpatentable)

Claim 55. A handheld appliance having a body and an attachment, the body comprising an attachment mechanism having a first slot, a second slot, and an actuator, the attachment comprising a first protrusion configured to engage with the first slot and a second protrusion to engage with the second slot, wherein the actuator interacts with only one of the first and second protrusions and has a first position and a second position and the actuator is slidably moved from the first position towards the second position in a longitudinal direction of the body as the first protrusion engages with the first slot, further comprising a user operated button which engages with the actuator.

Claim 56 (Substitute for claim 34, if found unpatentable)

Claim 56. The appliance of claim 55, wherein actuation of the button moves the actuator from the first position to the second position to facilitate removal of an attachment from the body.

MARKED UP

Proposed amended claims are shown in marked-up form below beginning with claim 40. Modifications to the original claims are shown in the substitute by underlining (added material) and bracketing (deleted material) compared to the claim to which is a contingent substitute.

Claim 40 (Substitute for claim 1, if found unpatentable)

Claim 40. A handheld appliance having a body and an attachment, the body comprising an attachment mechanism having a first slot, a second slot, and an actuator, the attachment comprising a first protrusion configured to engage with the first slot and a second protrusion to engage with the second slot, wherein the actuator interacts with only one of the first and second protrusions and has a first position and a second position and the actuator is slidably moved from the first position towards the second position in a longitudinal direction of the body as the first protrusion engages with the first slot; wherein the body extends along a longitudinal axis and the first slot extends both radially around and axially along the body.

Claim 41 (Substitute for claim 2, if found unpatentable)

Claim 41. The appliance of claim 40 ~~[[1]]~~, wherein in the first position, the actuator at least partially obscures the first slot.

Claim 42 (Substitute for claim 3, if found unpatentable)

Claim 42. The appliance of claim 40 ^{[[1]]}, wherein the actuator comprises a surface which interacts with the first protrusion when the first protrusion engages with the first slot.

Claim 43 (Substitute for claim 4, if found unpatentable)

Claim 43. The appliance of claim 42 ^{[[3]]}, wherein the surface is configured to at least partially define the first slot at or near the second position.

Claim 44 (Substitute for claim 5, if found unpatentable)

Claim 44. The appliance of claim 42 ^{[[3]]}, wherein the first protrusion comprises a first face for engagement with the actuator.

Claim 45 (Substitute for claim 6, if found unpatentable)

Claim 45. The appliance of claim 44 ^{[[5]]}, wherein the first face engages with the surface of the actuator.

Claim 46 (Substitute for claim 7, if found unpatentable)

Claim 46. The appliance of claim 40 ^{[[1]]}, wherein when the first protrusion is at a predetermined position within the first slot, the actuator returns towards the first position.

Claim 47 (Substitute for claim 8, if found unpatentable)

Claim 47. The appliance of claim 46 ^{[[7]]}, wherein the actuator retains the attachment on the body.

Claim 48 (Substitute for claim 9, if found unpatentable)

Claim 48. The appliance of claim 40 ^{[[1]]}, wherein the actuator is biased into the first position.

Claim 49 (Substitute for claim 15, if found unpatentable)

Claim 49. The appliance of claim 40 ^{[[1]]}, wherein the body has a first end and a second end and the attachment mechanism is adjacent the second end.

Claim 50 (Substitute for claim 18, if found unpatentable)

Claim 50. The appliance of claim 40 ^{[[1]]}, wherein the attachment comprises a collar extending around the attachment and the first protrusion extends from the collar.

Claim 51 (Substitute for claim 24, if found unpatentable)

Claim 51. The appliance of claim 40 ^{[[1]]}, wherein the second protrusion and second slot are radially spaced from the first protrusion and the first slot.

Claim 52 (Substitute for claim 30, if found unpatentable)

Claim 52. The appliance of claim 40 ^{[[1]]}, wherein the appliance is a hair care appliance.

Claim 53 (Substitute for claim 31, if found unpatentable)

Claim 53. The appliance of claim 52 ^{[[30]]}, wherein the hair care appliance is a hot styling appliance.

Claim 54 (Substitute for claim 32, if found unpatentable)

Claim 54. The appliance of claim 40 ~~[[1]]~~, wherein the first slot causes the attachment to pivot relative to the body as the first protrusion engages with the first slot.

Claim 55 (Substitute for claim 33, if found unpatentable)

Claim 55. A handheld appliance having a body and an attachment, the body comprising an attachment mechanism having a first slot, a second slot, and an actuator, the attachment comprising a first protrusion configured to engage with the first slot and a second protrusion to engage with the second slot, wherein the actuator interacts with only one of the first and second protrusions and has a first position and a second position and the actuator is slidably moved from the first position towards the second position in a longitudinal direction of the body as the first protrusion engages with the first slot, further comprising a user operated button which engages with the actuator.

Claim 56 (Substitute for claim 34, if found unpatentable)

Claim 56. The appliance of claim 55 ~~[[33]]~~, wherein actuation of the button moves the actuator from the first position to the second position to facilitate removal of an attachment from the body.