

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

**DECLARATION OF JOEL DELMAN
IN SUPPORT OF PATENT OWNER'S RESPONSE AND
MOTION TO AMEND**

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I, Joel Delman, declare as follows:

1. My name is Joel Delman. I have been retained by Faegre Drinker Biddle & Reath LLP on behalf of Dyson Technology Limited (“Dyson” or “Patent Owner”) to provide opinions related to U.S. Patent No. 11,589,660 (“the ’660 Patent,” EX1001), claims of invalidity by Petitioners and Dr. Nosenchuck related to this Patent, and other matters related thereto.

2. I understand that Petitioners have filed a petition¹ for *inter partes* review of the ’660 Patent with the Patent Trial and Appeal Board arguing that claims 1-9, 15, 18, 23, 24, and 30-34 (“the Challenged Claims”) of the ’660 Patent would have been anticipated by or obvious to a person of ordinary skill in the art (“POSITA”) at the time of the invention and are therefore unpatentable.

3. This Declaration contains statements of my opinions formed to date and the basis and reasons for those opinions. I may offer additional opinions based on further review of materials in this case, including opinions and/or testimony of other expert witnesses. I make this Declaration based upon my own personal knowledge and, if called upon to testify, would testify competently to the matters contained herein.

¹ All citations to “Pet.” herein are to the Corrected Petition, Paper 9.

I. BACKGROUND

A. Qualifications

4. I am over the age of 18 and am competent to write this Declaration. I have personal knowledge of, or have developed personal knowledge of, the relevant technologies based upon education, training, or experience of the matters set forth herein. This Section contains a summary of my educational background, career history, publications, and other relevant qualifications. My full curriculum vitae is attached as Appendix A to this Declaration.

5. I believe I am well qualified to serve as a technical expert in this matter based on my educational and work experience. As discussed below, in my career I have been involved in the product design and development of handheld appliances, including hair care appliances and other products and devices with bayonet-type attachment mechanisms.

6. I am the founder and Chief Design Officer at Informed Innovation Inc. My business address is 2176 W 24th Street, Los Angeles CA 90018, and I have been involved in the industrial design field for over 28 years. I am over 18 years of age, and I would otherwise be competent to testify as to the matters set forth herein if I am called upon to do so at trial, hearing or deposition.

7. I understand that my task is to review materials and offer my opinion, perspective and insights. I hold the opinions expressed in this declaration, but as

my study of the case continues I may acquire additional information that leads to new insights relevant to these opinions.

8. With that in mind, I reserve the right to supplement this report if and when such additional information becomes known to me. I may also provide rebuttal and supplemental reports at a later date, in response to arguments which may be proposed by Petitioners or Dr. Nosenchuck.

9. I earned a Master of Industrial Design degree from Pratt Institute in New York, and have been an industrial designer, design strategist, and inventor for the past 28 years. I most recently worked with the design consultancy Product Development Technologies LLC (“PDT”) since 1999, and served as PDT’s Los Angeles Creative Director beginning in 2007.

10. Since PDT’s acquisition in December 2017, I have continued my design practice through my consultancy Informed Innovation Inc. My work encompasses a broad range of activities related to product design and development, including strategic user research (to guide clients toward optimal design solutions), aesthetic and technological innovation, and high-level program management. I also provide expert witness and litigation support services in matters related to patent and trade dress litigation.

11. Prior to joining PDT I worked as a staff designer at the New York-based design consultancies Henry Dreyfuss Associates and Cousins Design, then

upon moving to Chicago as Senior Designer with Zenith Electronics Corp. I currently serve as Chair of the Industrial Designer's Society of America's ("IDSA") Design Protection Committee, and as an Associate Professor at ArtCenter College of Design in Pasadena, California.

12. Throughout my 28-year career in industrial design and product development I have been engaged to assist clients with a wide variety of design challenges, including numerous programs focused on the design of portable consumer electronics and appliances. This has involved the design of various devices and accompanying accessories for customers including Honeywell, Jennair, Medela, Blackberry (Research in Motion), Motorola, Qualcomm, LG Electronics, Dell, Nokia and Kyocera, among others. My design practice has also involved the development of medical devices – home use, diagnostic and surgical – for clients including Olympus Medical, BARD Access Systems, Roche, Novartis and ConMed, personal care products for Kimberly Clark and Medela, office equipment for Swingline and Fellowes, and electronic toys for Fisher Price and Learning Resources, in addition to dozens of other designs for well-known clients over the course of my career.

13. Notably, and with respect to the matters most relevant to this case, I have been involved as designer, creative director and program manager for programs involving grooming and hair care appliances for both consumer and

professional / hair stylist markets. Examples of such projects include hair dryers for Conair (including diffuser and nozzle attachments) and styling brushes and combs for Goody.

14. For the above projects (and all design programs on which I have been engaged), I gained a comprehensive understanding of the intended users for each product I design, how they will use the product, and how my designs will be compared to other designs that consumers evaluate in their purchasing decisions. I possess a deep understanding of the research and strategy implemented in the development of these products, including to ensure that critical market opportunities and consumer needs and desires are addressed in the design process.

15. On a personal level, I utilized electric clippers to cut my own hair from approximately 1995 through 2007, and cut both of my boys' hair with such appliances regularly from 2008 through 2014, and again throughout the Covid pandemic. I have personally owned and used at least a dozen different trimmer and clipper appliances over the years, each featuring various means to attach and adjust the trimming combs which enable these appliances to cut and style hair of various lengths. Similarly, I have maintained a short beard at various periods in my life, for which I have purchased numerous electric beard trimmers with a similar variety of comb attachment means enabling trimming to various lengths.

16. I have been named as inventor on over 40 issued and applied-for U.S. Patents. The complete list of these patents and published applications is attached as Appendix C.

17. My design work has received awards and recognition from the Industrial Designers Society of America (which awards include, among others, the “IDSA 20/20 Award” recognizing twenty designers who contributed to the advancement of the design profession in 2020), the Chicago Athenaeum, the Consumer Electronics Association, the Toy Industry Association, ID Magazine and the Wall Street Journal, and has been featured in books aimed at educating design students about the profession.

18. In addition to my work in product design consulting, I have frequently offered my expertise as mentor and advisor to technology and hardware-focused startups via Los Angeles-based incubator and accelerator programs, and served as a member of the Board of Directors for the 3D printed medical device manufacturer MetaMason Inc. for five years.

19. Given the foregoing range of professional and personal experience over the course of my career as an industrial designer, I believe I am well qualified to opine on the matters covered in this declaration.

20. During the previous 6 years, I have served as expert witness in over thirty cases related to patents and trademarks, and have testified either at trial or by

deposition in 16 cases. The complete list of matters in which I have testified as an expert is attached as Appendix D.

21. During the previous 10 years, I have authored approximately 26 articles and publications. Attached as Appendix E is the list of articles and publications I have written.

B. Compensation

22. I am being compensated at my usual and customary rate of \$400/hr for the preparation of this declaration and all related work thereto, including providing any deposition testimony. I have no financial interest in, or affiliation with, either the Patent Owner or Petitioner in this proceeding, and my compensation is in no way contingent on the results of this or any other proceeding relating to the '660 Patent.

C. Materials and Other Information Considered

23. I have considered information from various sources in forming my opinions. I have reviewed and considered all of the documents listed in Appendix B, as well as any documents referred to in this Declaration, in forming my opinions.

II. UNDERSTANDING OF THE RELEVANT LEGAL PRINCIPLES

24. Prior to entering the profession of industrial design, I graduated Harvard Law School and practiced corporate and securities law. I have not practiced or been barred as an attorney for the last 27 years.

25. I do not provide any guidance or opinion as to the law, which I understand is the purview of the PTAB. Rather, the opinions expressed and reasoning applied are those of an experienced industrial design consultant, viewing the relevant questions from the relevant perspectives (e.g., POSITA, designer of ordinary skill in the art) and applying (as necessary) the law as it has been explained to me by counsel for Patent Owner.

26. I understand that a patent claim is invalid if it is anticipated or obvious in view of the prior art, and that a claim can be unpatentable even if all of the requirements of the claim cannot be found in a single prior art reference. I further understand that invalidity of a claim requires that the claim be anticipated or obvious from the perspective of a POSITA at the time the invention was made.

27. I understand that a claim is anticipated if all of its limitations are found in a single prior art reference arranged as in the claim. The identical invention must be shown in as complete detail as is contained in the patent claim.

28. A prior art reference can disclose a limitation that is not expressly disclosed in the reference if it is “inherently present” in the reference. I further

understand that to be “inherently present,” the missing disclosure must necessarily be present in the element or process described in the reference. It is my understanding that a limitation is not disclosed by inherency if the missing limitation is only probably present or if there is merely a possibility that it is present.

29. I have been informed that a patent claim is invalid if it would have been obvious to a POSITA. In analyzing obviousness of a claim, I understand the following factors may be taken into account: (1) the scope and content of the prior art; (2) the differences between the prior art and the claims; (3) the level of ordinary skill in the art; and (4) any secondary considerations of non-obviousness if they are present.

30. I understand that to prove that a prior art or combination of prior art renders a patent obvious, it is necessary to:

- a. Identify the particular references that, singly or in combination, make the patent obvious;
- b. Specifically identify which elements of the patent claim appear in each of the asserted references; and
- c. Explain why a POSITA would have combined the references and how they would have done so to create the inventions claimed in

the patent. I further understand that exemplary rationales that may support a conclusion of obviousness include:

- i. Combining prior art elements according to known methods to yield predictable results;
- ii. Simple substitution of one known element for another to obtain predictable results;
- iii. Use of known technique(s) to improve similar devices (methods or products) in the same way;
- iv. Applying a known technique to a known device (method or product) ready for improvement to yield predictable results;
- v. “Obvious to try” – choosing from a finite number of identified, predictable solutions with a reasonable expectation of success;
- vi. Known work in one field of endeavor may prompt variations of the work for use in either the same field for a different field based on design incentives or other market forces if the variations are predictable to a POSITA; and
- vii. Some teaching, suggestion, or motivation in the prior art that would have led a POSITA to modify the prior art reference

or to combine the prior art reference teachings to arrive at the claimed invention.

31. I also understand that there must a relationship, or nexus, between any such secondary indicia and the invention.

32. I have been further informed that I must weigh secondary considerations evidence with the other obviousness factors if a case of obviousness has been established.

33. I have been informed that, in considering obviousness, hindsight reasoning derived from the patent-at-issue may not be used.

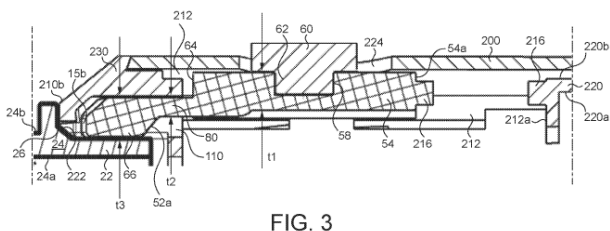
III. TECHNOLOGICAL BACKGROUND

A. Summary of the '660 Patent

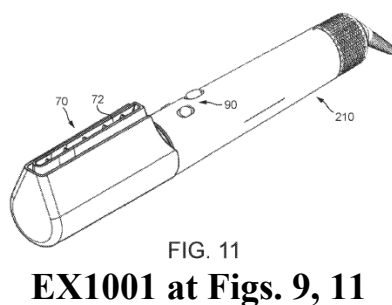
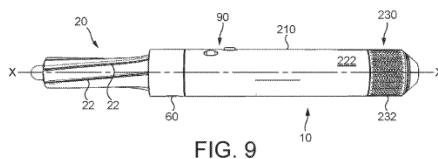
34. The '660 Patent is directed to “a handheld appliance.” EX1001 at 1:1. The '660 Patent notes that a “problem is to provide a solid connection between the attachment and the appliance for when hair is under tension with an easily removable attachment when required.” EX1001 at 1:29-32.

35. To that end, the '660 Patent discloses a handheld appliance having a body and an attachment, the body comprising an attachment mechanism having a first slot and an actuator, the attachment comprising a first protrusion configured to engage with the first slot, wherein the actuator has a first position and a second position, and the actuator is moved from the first position toward the second

position as the first protrusion engages with the slot. EX1001 at 1:36-45. Further, the body extends along a longitudinal axis and the slot extends both radially around and axially along the body. EX1001 at 1:59-61.



EX1001at Fig. 3



EX1001 at Figs. 9, 11

B. Summary of the Asserted Prior Art

36. The Petition asserts that the Challenged Claims are unpatentable based on six grounds:

Ground	Challenged Claims	Basis for Rejection
1	1-9, 15, 23, 24, and 32	Anticipation by Hoblingre ²
2	1-9, 15, 18, 23, 24, and 30-32	Obviousness over Hoblingre in view of Maclaine ³
3	1-9, 15, 18, 23, 24, and 30-34	Obviousness over Hoblingre in view of Maclaine and Jeannet ⁴

² U.S. Patent No. 4,943,182.

³ U.S. Patent Application Publication No. 2015/0265022.

⁴ U.S. Patent No. 6,161,244.

Ground	Challenged Claims	Basis for Rejection
4	1-9, 15, 23, 24, and 32	Anticipation by Mouhot ⁵
5	1-9, 15, 18, 23, 24, and 30-32	Obviousness over Mouhot in view of Maclaine
6	1-9, 15, 18, 23, 24, and 30-34	Obviousness over Mouhot in view of Maclaine and Jeannet

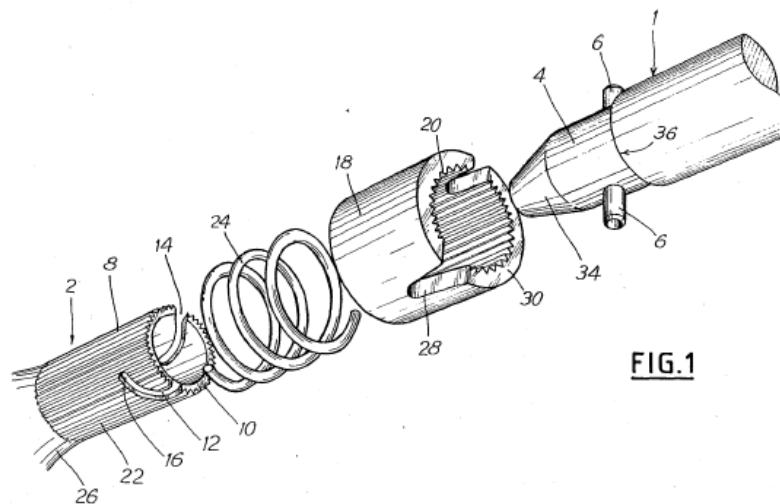
1. Hoblingre

37. Hoblingre discloses a rapid fastener of the bayonet type adapted to achieve a connection in the axial direction of two torque transmitting shafts.⁶ EX1004 at Abstract. In particular, Hoblingre discloses an improved bayonet type coupling for use in transmitting torque between shafts, which prior to this improvement was accomplished through collars, screw-and-nut systems, or other systems that require precise moving operations and the application of well-determined clamping forces. EX1004 at 1:18-25. Bayonet type coupling prior to the improvements in Hoblingre were used for connection of elements intended to remain stationary because there is difficulty in getting such couplings to reliably transmit torque. EX1004 at 1:14-17.

⁵ European Patent Application No. 2015/0265022.

⁶ Mouhot, Petitioners' other alleged anticipatory and primary reference, indicates that FR-A-2 628 488, which is the French counterpart of Hoblingre, is a quick coupler to be used for connecting two steering members, specifically for a motor vehicle. EX1005 at 2:3-12.

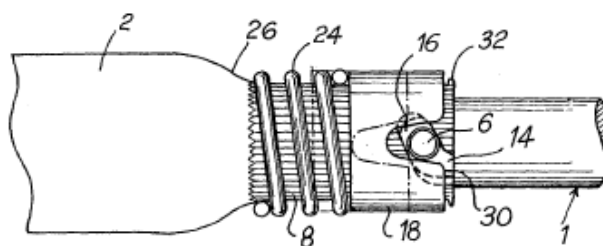
38. The improvement to previous bayonet type couplings involves a shaft 1 having an elongated stem 4, which carries at least one driving pin 6 and a second element 2 terminating in a hollow socket 8 which is open at its entrance end 10 and in the wall of which are provided two slots 12 each capable of receiving one of the pins 6. EX1004 at 2:14-23.



EX1004 at Fig. 1

39. Slidably mounted on the socket 8 is a ring 18 and a coil spring 24 that bears on one end against ring 18 and the other end on a shoulder or projection on element 2 so that it tends to bias the ring 18 outwardly. EX1004 at 2:27-37. The ring 18 further comprises two slots 28 extending generally longitudinally and open at the end of the ring that is remote from the spring 24 and that are wide enough to permit entry of the pin 6 of element 1. EX1004 at 2:39-43.

FIG. 2



EX1004 at Fig. 2

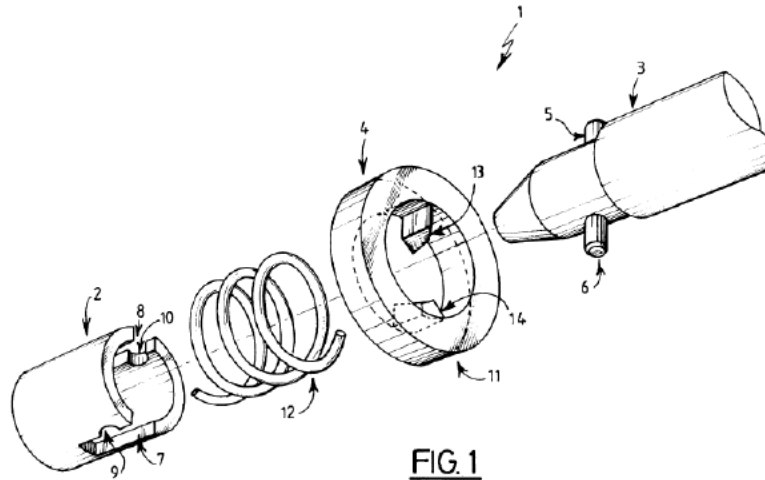
2. Mouhot

40. Mouhot discloses a “coupler for connecting two steering members, in particular for a motor vehicle.” EX1005 at Abstract. Specifically, Mouhot discloses an improved bayonet type quick coupler that is simpler and less costly to implement than known quick couplers used to connect steering members, such as Hoblingre⁷. EX1005 at 2:3-18.

41. The improvement to the previous bayonet type couplings like Hoblingre involves one steering member having a socket with at least one slot for receiving a lateral protruding part of a shank of the other member and a means for locking the lateral protruding part of the shank in position inside the slot of the socket, wherein at least one of the sides of the socket delimiting the slot comprises stop means that delimit at least one locking position of the lateral protruding part

⁷ FR-A-2 628,488, discussed at 2:9-18 in Mouhot, is the French application number 8803290 to which Hoblingre claims priority.

and wherein the locking means comprise wedge-shaped means movable in the slot between a first locking position, in which these wedge-shaped means prevent the lateral protruding part of the shank from disengaging from the stop means of the slot of the socket, and a second retracted position. EX1005 at 2:20-28.



EX1005 at Fig. 1

3. Maclaine

42. Maclaine discloses an “attachment for a hand held appliance.”

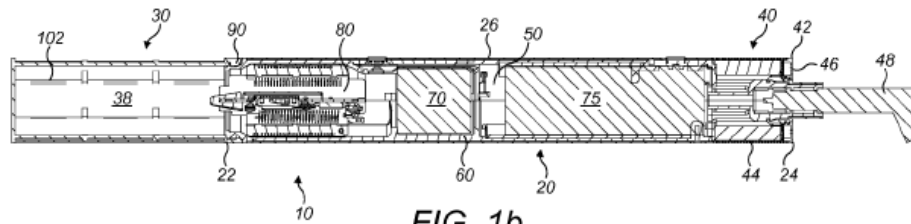
EX1007 ¶¶ [0001]-[0002]. Maclaine focuses generally on specific structural

features of the head/attachment that are improvements over prior art

head/attachments for handheld appliances, especially for hair care. Maclaine sets

forth a collar and a twist lock joint as an example of the connection between handle

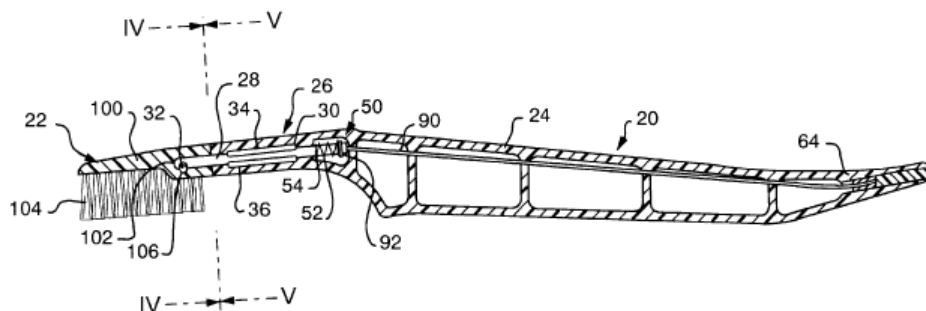
20 and attachment/head 30, 130, 180, 230, 300. EX1007 ¶ [0092].



EX1007 at Fig. 1b

4. Jeannet

43. Jeannet discloses a toothbrush with a brush head which can be secured on a brush handle by a bayonet catch. EX1008 at Abstract. The objective is to form a reliable connection between brush head and brush handle that includes a child-proof safety catch but is relatively easy to release for replacing the brush head. EX1008 at 1:29-36. Jeannet utilizes a bayonet catch with unlocking device to achieve this objective. EX1008 at 1:38-40.



EX1008 at Fig. 1

IV. LEVEL OF ORDINARY SKILL IN THE ART

44. I understand that certain issues related to the validity of the Challenged Claims must be judged from the perspective of a POSITA, as I have discussed below. I have been asked to consider Dr. Nosenchuck's and Petitioners'

definition of the level of skill that someone would have had at the time of the invention was made, which I understand here is September 1, 2016. In deciding the level of ordinary skill, I have considered the following factors, which I have been informed are relevant to the determination of the level of ordinary skill in the art:

- a. The levels of education and experience of persons working in the field;
- b. The types of problems encountered in the art;
- c. The prior art solutions to these problems;
- d. The rapidity with which innovations are made; and
- e. The sophistication of the technology.

45. In my opinion, Dr. Nosenchuck's definition seems reasonable. Thus, in rendering my opinions, I have considered a POSITA in the field of handheld appliances around September 2016 that had at least a Bachelor's degree or technical degree in Mechanical or Aerospace Engineering or another engineering or design-related field, and that had the equivalent of at least one year's worth of experience in research, design, and/or development related to handheld appliances (or other comparable industrial design). Additional education could substitute for experience, and vice versa.

46. Based on my education, training, and professional experience in the field of the invention, I am familiar with the level and abilities of a POSITA in September 2016. Additionally, I met at least these minimum qualifications of a POSITA at least as of September 1, 2016.

V. OPINIONS RELATED TO PATENT OWNER RESPONSE

47. Based on my review of the Petition and Dr. Nosenchuk's declaration, as well as the other materials cited herein, in view of my experience and knowledge, in my opinion the Challenged Claims are not invalid as anticipated or rendered obvious in view of the grounds provided by Petitioners and Dr. Nosenchuck. The reasons for my conclusions are explained more fully below.

A. Claim Construction

48. I understand that the Board applies the claim construction standard used in district courts that seeks to give claim terms their plain and ordinary meaning to a POSITA at the time of the invention. I also understand that if a patent applicant gave a term a special meaning in the specification or during prosecution, then the special meaning should be used.

49. Like Dr. Nosenchuck, I reviewed the claim language, specification, and relevant prosecution history to determine the meaning of the claim language as it would have been understood by a POSITA at the time of the invention, and I

have applied the plain and ordinary meaning to a POSITA, in view of the specification, of each of the terms in the Challenged Claims.

B. Specific Grounds of Alleged Patentability

50. In my opinion, Petitioners and Dr. Nosenchuck have not met their burden of showing that all the Challenged Claims are unpatentable. With regard to Ground 1, Petitioners and Dr. Nosenchuck fail to show that at least the additional limitations of Challenged Claims 2 and 4 are disclosed in Hoblingre. Ground 4 fails because Mouhot does not disclose either “an actuator” or wherein “the first slot extends . . . radially around . . . the body,” which are both required in all Challenged Claims in Ground 4. Finally, Petitioners and Dr. Nosenchuck do not provide sufficient evidence of motivation to combine as to any of the obviousness grounds (Grounds 2, 3, 5, and 6).

1. GROUND 1: Hoblingre does not anticipate Claims 2 and 4

a. Hoblingre fails to disclose “wherein the first position the actuator at least partially obscures the first slot” as recited in Challenged Claim 2

51. Petitioners and Dr. Nosenchuck assert that Hoblingre’s slot 12 corresponds to the claimed first slot and Hoblingre’s guiding and locking means comprising ring 18 and coil spring 24 corresponds to the claimed actuator. Pet. at 25-26; EX1003 ¶ 89. Petitioners and Dr. Nosenchuck further argue that Hoblingre discloses “wherein in the first position the actuator at least partially obscures the

first slot” because “[w]hen elongated stem 4 is introduced inside socket 8, the ‘end edge 30 of the ring 18’ ‘partly closes’, or partially obscures, the entrances of slots 12.” Pet. at 26 (quoting EX1004 at 2:46-50); EX1003 ¶ 89 (same). However, in my opinion, this argument improperly conflates the term “partly closes” in Hoblingre with the term “partially obscures” recited in Challenged Claim 2.

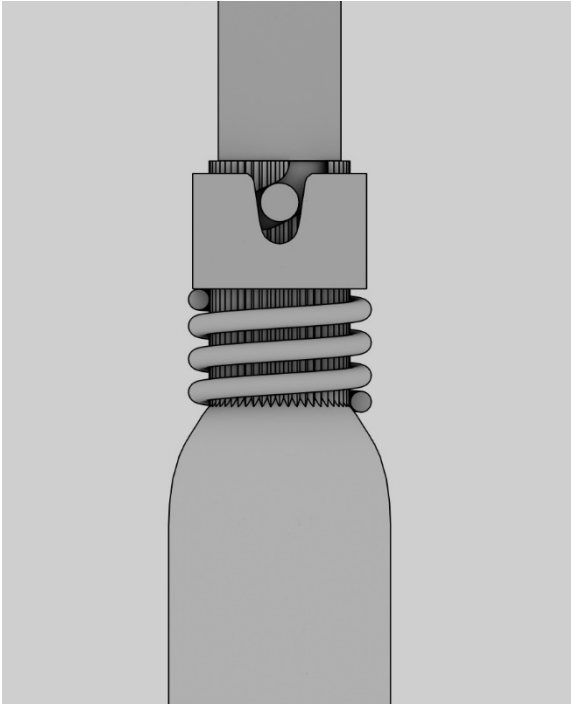
52. Specifically, Hoblingre recites that “the end edge 30 of the ring 18 partly closes this entrance of the slot 12,” EX-1004 at 2:46-50, which relates to whether pin 6 can enter slot 12. However, Challenged Claim 2 specifies that the “actuator at least partially obscures the first slot.” To “obscure the first slot” as claimed, some portion of the actuator must tangibly fill or otherwise fall within the confines of the first slot, otherwise the first slot remains unobscured because there is nothing within the slot.

53. The specification of the ’660 Patent consistently uses the term “obscure” in this manner (abstract, general description, and when describing Figures 1a and 1b), and not to describe merely whether the viewer or user can see the slot. For example, Figure 1a shows the actuator in the first position where the actuator obscures the slot 232a by filling or otherwise physically falling within the confines of the first slot. EX1001 at 6:39-45. During removal of the attachment, the actuator is slid out of the slot to allow the protrusion to move through the slot that is no longer obscured by the actuator. EX1001 at 7:1-8.

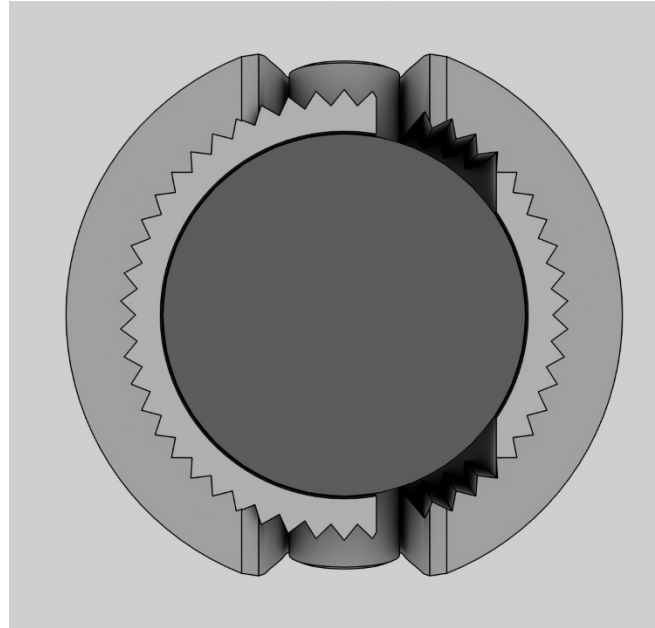
54. Additionally, in the embodiments in the '660 Patent, the actuator and slots are never visible to the user, regardless of whether the actuator is in the first or second position. *See, e.g.*, EX1001 at Figs. 9, 11. Because the visibility of the slots is not affected by the positioning of the actuator in the embodiments described in the '660 Patent, a POSITA would have found that the recited “obscures the first slot” is not referring to whether the actuator hinders the view of the first slot by a viewer of the appliance. Instead, a POSITA would have understood the recited “obscures the first slot” as used in the '660 Patent requires the actuator to tangibly fill or otherwise fall within the confines of the first slot, consistent with a POSITA’s general understanding of the word “obscures.”

55. Petitioners and Dr. Nosenchuck seem to be asserting that the actuator could “partially obscure[] the first slot” without filling or otherwise falling within the confines of the first slot. Pet. at 25-26; EX1003 ¶ 89. The portion of Hoblingre Petitioners and Dr. Nosenchuck rely upon for this assertion is describing the elevational view of Figure 2 where a viewer cannot see all of the first slot. Pet., 26 (citing EX1004, 2:46-50); EX1003 ¶ 89 (citing same). However, Challenged Claim 2 does not specify a particular view or directional relationship between the appliance and a person viewing the appliance, and if the appliance of Hoblingre is rotated to different views, no portion of ring 18 would be between the viewer and slot 12. Instead, any inability to view all of slot 12 would be caused by the turn of

slot 12 and socket 8, not Hoblingre's guiding and locking means that Petitioners asserts corresponds to the claimed actuator. For example, below is a rendering of Figure 2 in Hoblingre and a cross-section of the rendering of Figure 2 taken just above pins 6.



Rendering of EX1005, Fig. 2



Cross-Section of Rendering

56. The cross-section view illustrates that ring 18 does not obscure any portion of slot 12. Instead, the partial obscurity referred to in the Petition is related solely to the side view in Figure 2 and not the actual relationship between slot 12 and ring 18.

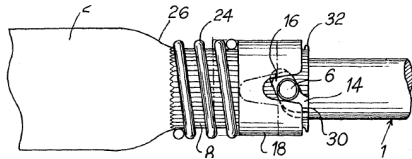
57. This is further supported by the specification of Hoblingre. For example, Figure 1 of Hoblingre and the description in Hoblingre that “[s]lidably

mounted on the socket 8 is a ring 18 which is connected to rotate with the socket by any suitable means, such as flat faces, a polygonal shape or, as shown, longitudinal splines 20 provided on its inner surface and cooperating with complementary splines 22 on the outer surface of the socket 8,” EX-1004 at 2:27-32, both show that the guiding and locking means does not cover slot 12 in all views. To be slidably mounted with the splines shown in Figure 1 on socket 8, ring 18 must surround socket 8. Because slot 12 is within the radius of socket 8, slot 28 is within the radius of ring 18, and radius of ring 18 is outside the radius of socket 8, no portion of ring 18 physically enters into or otherwise obscures any portion of slot 12.

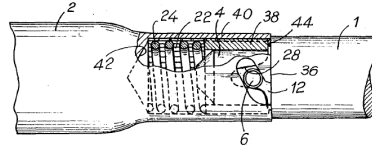
58. Reviewing Hoblingre’s disclosure of “the end edge 30 of the ring 18 partly closes this entrance of the slot 12” in context further clarifies that the phrase “partly closes” is irrelevant to the claimed phrase “partially obscures.” Hoblingre’s use of the phrase “partly closes” relates solely to whether entrance to slot 12 is closed to pin 6. Hoblingre specifies that this partial closing of the entrance of the slot 12 is caused by slots 28 being disposed on top of slots 12 of the socket 8 and laterally offset with regard to the entrance to slot 12. EX-1004 at 2:46-50. The phrase “disposed on top of” relates solely to the elevational view of the assembled rapid fastener shown in Figure 2. Specifically, in the elevational view of Figure 2, slot 28 is in the same radial position with respect to slot 12, but

Figure 2 is at an elevation closer to the viewer of Figure 2 than slot 12. In other words, in the elevational view of Figure 2, slot 28 is “disposed on top of” slot 12. However, because slot 28 and slot 12 are on different elevations, no portion of ring 18 physically fills or otherwise falls within the confines of slot 12.

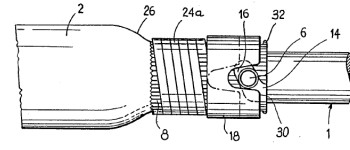
59. Thus, Hoblingre only discloses the guiding and locking means partly closing the entrance of slot 12 to pin 6, and not obscuring slot 12 as required by Challenged Claim 2. Hoblingre discloses ring 18 surrounding socket 8 and slot 12 within socket 8. EX1004 at 2:19-23, 33-38. Pin 6 protrudes from elongated stem 4 a distance sufficient to pass through both slot 12 of socket 8 and slot 28 of ring 18 when driving pin 6 is within slot 12. EX1004 at 3:5-8. Thus, ring 18 is only able to partly close the entrance of slot 12 to pin 6 when slot 28 of ring 18 is offset from slot 12 of socket 8. In other words, slot 28 in ring 18 merely guides and influences movement of driving pin 6, and it never fills or otherwise obscures slot 12. This restriction of pin 6’s movement relates only to the length of driving pin 6 and offset relationship of slot 12 and slot 28, not to any portion of Hoblingre’s guiding and locking means (which Petitioners and Dr. Nosenchuck assert corresponds to the claimed actuator) filling or otherwise obscuring slot 12. As shown in Hoblingre Figures 2-4 (below), the only element that physically enters into or otherwise obscures any portion of slot 12 is driving pin 6 of elongated stem 4.



EX1004 at Fig. 2



EX1004 at Fig. 3



EX1004 at Fig. 4

60. My understanding is that dashed lines are used in utility patent figures to indicate the structure of various components that are behind other components in a particular view. Each of Figures 2-4 of Hoblingre have dashed lines identifying slot 12, and those dashed lines remain completely unchanged regardless of the position of ring 18.

61. Accordingly, no portion of Hoblingre's guiding and locking means comprising ring 18 and coil spring 24, which Petitioners allege corresponds to the claimed actuator, obscures any portion of slot 12, which Petitioners allege corresponds to the claimed first slot. Although slot 12 and slot 28 being offset may guide the movement of pin 6 within slot 12, Hoblingre fails to disclose "wherein in the first position the actuator at least partially obscures the first slot." In my opinion, Ground 1 fails with respect to Challenged Claim 2 for at least this reason.

b. Hoblingre does not disclose "wherein the surface is configured to at least partially define the first slot at or near the second position" as recited in Challenged Claim 4

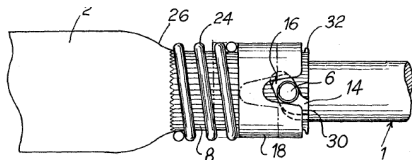
62. Petitioners and Dr. Nosenchuck allege that Hoblingre's guiding and locking means comprising ring 18 and coil spring 24 corresponds to the claimed actuator and that ring 18 includes edge of slot 28 that allegedly corresponds to the

claimed “the surface.” Pet., 27-28; EX1003 ¶ 95. Petitioners and Dr. Nosenchuck further describe the position of driving pin 6 in Figure 2, in which driving pin 6 is trapped between edges of the slots 12 and 28. Pet., 27-28; EX1003 ¶ 95.

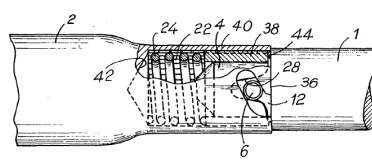
63. However, this argument fails because Challenged Claim 4 does not specify a surface configured to trap the first protrusion, but instead requires the surface to be “configured to at least partially define the first slot at or near the second position.” In fact, Challenged Claim 4 does not recite the first protrusion at all. Instead, Challenged Claim 4 requires the surface of the actuator introduced in Challenged Claim 3 to at least partially define the first slot formed in the body. A POSITA would have understood that “defin[ing] the first slot” requires the surface to change the shape or size of slot 12. *See* EX1001 at Figs. 1a, 1b (illustrating how surface 156 of actuator 50 changes the shape or size of slot 232a).

64. Hoblingre does not disclose that “the surface” from Challenged Claim 3, which Petitioners and Dr. Nosenchuck assert is the edge of slot 28, partially defines the first slot (slot 12) in the body. As discussed above in Section V.B.1.a., ring 18 including edge of slot 28 in Hoblingre surrounds socket 8 containing slot 12. EX1004 at 2:19-23, 33-38. Pin 6 protrudes from elongated stem 4 a distance sufficient to pass through both slot 12 of socket 8 and slot 28 of ring 18 when driving pin 6 is within slot 12. EX1004 at 3:5-8. Thus, ring 18 is able to trap driving pin 6 within slot 12 without defining any portion of slot 12. In other

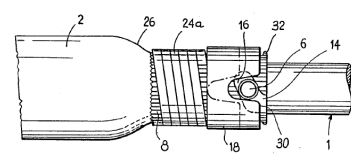
words, slot 28 in ring 18 merely guides driving pin 6, but does not in any way define slot 12. This guidance relates solely to the length of driving pin 6 and offset relationship of slot 12 and slot 28, not any interaction between slot 12 and ring 18 that changes the shape or size of slot 12. As shown in Figures 2-4 (below), the only element that is within the confines of slot 12 such that it could arguably partially define slot 12 is pin 6, not any portion of the guiding and locking means.



EX1004 at Fig. 2



EX1004 at Fig. 3



EX1004 at Fig. 4

65. As discussed above, my understanding is that dashed lines are used in utility patent figures to indicate the structure of various components that are behind other components in a particular view. Each of Figures 2-4 of Hoblingre have dashed lines identifying slot 12's boundaries, and those dashed lines remain completely unchanged regardless of the position of ring 18 and slot 28. Therefore, none of the space defined by slot 12 is defined by any portion of ring 18. Thus, no portion of slot 28 of ring 18, which Petitioners allege corresponds to the claimed surface of the actuator, defines any portion of slot 12, which Petitioners and Dr. Nosenchuck allege corresponds to the claimed first slot. Accordingly, although slot 12 and slot 28 trap driving pin 6 within slot 12, Hoblingre fails to disclose "wherein in the surface is configured to at least partially define the first slot at or

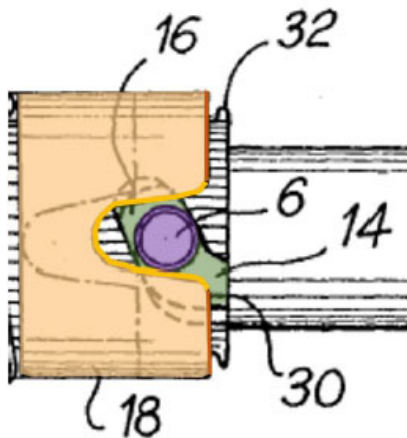
near the second position.” In my opinion, Ground 1 fails with respect to Challenged Claim 4 for at least this reason.

66. In my opinion, Petitioners and Dr. Nosenchuck have also failed to show that Hoblingre discloses Challenged Claim 4 because they have identified the incorrect claimed “the surface.” Challenged Claim 4 depends on Challenged Claim 3, which provides antecedent basis for “the surface” in Challenged Claim 4. Accordingly, “the surface” in Challenged Claim 4 must both “interact[] with the first protrusion when the first protrusion engages with the first slot,” as required in Challenged Claim 3, and must be “configured to at least partially define the first slot at or near the second position,” recited in Challenged Claim 4. Edge of slot 28, which Petitioners and Dr. Nosenchuck asserts corresponds to “the surface,” does not “interact[] with the first protrusion when the first protrusion engages with the first slot,” as required by Challenged Claim 3, so it cannot be the claimed “the surface” of Challenged Claim 4.

67. By using the term “when [it] engages” rather than “when [it] is engaged,” Challenged Claim 3 has a temporal component such that it is describing the surface of the actuator that interacts with the first protrusion as it is initially moved into the first slot. As Hoblingre’s driving pin 6 is first moved into contact with slot 12, driving pin 6 does not interact with edge of slot 28 (illustrated in

orange below), but instead interacts with edge 30 (illustrated in red below).

EX1004 at 2:62-65.



Pet. at 27; EX1003 ¶ 92

68. Thus, edge 30 is the correct claimed “surface” of Challenged Claim 3. However, Petitioners and Dr. Nosenchuck have not asserted that the edge of slot 30 “partially define[s] the first slot” in the second position, and, in fact, it does not. Thus, in my opinion, Petitioners and Dr. Nosenchuck have failed to meet their burden as to Challenged Claim 4 for at least this additional reason.

2. GROUND 2: Hoblingre in view of Maclaine would not have rendered obvious Claims 1-9, 15, 18, 23, 24, and 30-32

a. Petitioners fail to provide sufficient rationale for combining Hoblingre and Maclaine as they propose

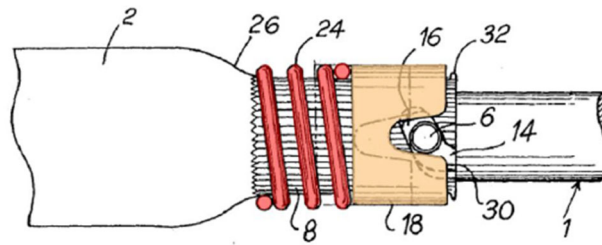
69. In my opinion, Petitioners and Dr. Nosenchuck did not meet their burden of showing a motivation to combine the references. Each of Petitioners’ and Dr. Nosenchuck’s alleged rationales are merely conclusory statements with no explanation for why the combination is a simple substitution, why the advantages

of the attachment in Hoblingre for joining two torque transmitting shafts is relevant to the handheld appliance of Maclaine, or why the substitution would improve the handheld appliance of Maclaine.

70. Petitioners and Dr. Nosenchuck fail to address problems that a POSITA would have recognized in using the connection of Hoblingre in the appliance of Maclaine. To support the alleged rationales for combining Hoblingre and Maclaine, Petitioners cite paragraphs 124-127 of the Declaration of Dr. Nosenchuck (EX1003). However, these paragraphs also merely make conclusory statements about simple substitution, alleged advantages, and alleged improvement of the handheld appliance without providing any explanation for such conclusory statements, nor do any of these paragraphs address the significant concerns a POSITA would have recognized with using the connection of Hoblingre in a hair care appliance.

71. For example, neither Petitioners nor Dr. Nosenchuck have addressed how the rapid fastener of Hoblingre would have been expected to be useable in a handheld hair care appliance of Maclaine. As shown below in Figure 2 of Hoblingre as annotated by Petitioners, the rapid fastener of Hoblingre includes an exposed coil spring 24 and at least one driving pin 6 that slides within slot 12 when ring 18 is slid vertically towards the coil spring 24.

FIG.2



Pet. at 19

72. The '660 Patent explicitly discloses that “hair is intended to wrap around the attachment during use.” EX1001 at 8:44-47. Given this, in Petitioners’ and Dr. Nosenchuck’s proposed combination, Hoblingre’s ring 18, driving pin 6, slot 12, and coil spring 24 are all places for hair to get caught if used as a fastener for a handheld hair care appliance such as the one disclosed in Maclaine. Neither Petitioners nor Dr. Nosenchuck provide any explanation for why one of ordinary skill in the art would have found substituting the above attachment mechanism with a myriad of hair catching elements for the collar enclosed attachment mechanism of Maclaine, which has no exposed elements that would be expected to catch hair during use, to be a simple substitution.

73. Safety and ease of use are always paramount considerations in a POSITA’s work. Understanding the user, and the way a product will be used, are critical to achieving those goals. When designing a hair styling appliance, it would have been clear to a POSITA that smooth surfaces should be obtained so as not to unintentionally capture or tear the user’s hair (other than those features which are

intended to engage with the hair, such as the way hair is clamped within certain curling or straightening appliances). As such, Hoblingre's prominent exposed spring, ring, driving pins, and slots are something any POSITA would have known not to include, as such elements are likely to do exactly what the POSITA would be trying to avoid—capture and/or tearing of the user's hair. Furthermore, the visual perception such elements create to a user—prominent features a user will perceive as making the appliance difficult and potentially dangerous to use—is something a POSITA would have strived to avoid from a purely business standpoint, as it would make the appliance uncompetitive in the marketplace of styling devices which generally feature smooth, user-friendly surfaces.

74. The above concerns are not solved by the embodiment illustrated in Figure 3 of Hoblingre. Although the spring is provided interior of socket 40, at least the driving pins 6, slots 12, and slots 28 of ring 18 remain as features that would be expected to capture or tear the user's hair or at least create a visual perception that would render the appliance uncompetitive in the marketplace of styling devices.

75. While Petitioners and Dr. Nosenchuck also cite Hoblingre's recognized advantages of its fastener, they fail to show how those advantages would have motivated a POSITA to make the proposed combination. Specifically, Petitioners and Dr. Nosenchuck note that a POSITA would have been motivated to

use “Hoblingre’s improved ‘coupling of the bayonet type’ that ‘ensures a connection with no axial or angular clearance permitting, on one hand, the transmission of even large torques and, on the other hand, the establishment of the connection by a single shifting and being capable of being disassembled at any moment’ in a handheld hair care appliance,” without any discussion of why these advantages are relevant or useful to the handheld hair care appliance of Maclaine. Pet. at 41 (quoting EX1004 at 1:28-35); EX1003 ¶ 124.

76. Hoblingre itself does not support this interpretation. Hoblingre merely states that its rapid fastener is an improvement over other known bayonet type couplings. In other words, the advantages cited by Petitioners and Dr. Nosenchuck merely provide reasons to use Hoblingre’s bayonet type coupling in place of other bayonet type couplings. Neither Hoblingre nor Petitioners or Dr. Nosenchuck provide any rationale for why a bayonet type coupling, much less the one taught by Hoblingre, should be used in a handheld hair care appliance or substituted for the collar and twist lock joint in Maclaine. The collar and twist lock joint of Maclaine already provides for easy assembly and disassembly. Further, a POSITA would not have expected the haircare appliance of Maclaine to require the transmission of large torques discussed in Hoblingre with respect to steering columns on an automobile.

77. Petitioners and Dr. Nosenchuck appear to focus on the latter advantages disclosed in Hoblingre, namely “the establishment of the connection by a single shifting and being capable of being disassembled at any moment.” Pet. at 41-42; EX1003 ¶ 124. Again, although this may be an advantage over other bayonet type couplings, neither Petitioners nor Dr. Nosenchuck provide any explanation for why the attachment mechanism would be better or even as good as the collar and twist lock joint of Maclaine with regard to establishing a connection by a single shifting and being capable of being disassembled at any moment.

78. Finally, as to Petitioners’ and Dr. Nosenchuck’s allegation that the combination is nothing more than using a known technique to improve devices in the same way to yield predictable results, neither Petitioners nor Dr. Nosenchuck provide any explanation for how the coupling mechanism of Hoblingre would improve the handheld hair care appliance of Maclaine. Instead, Petitioners and Dr. Nosenchuck merely repeat the same conclusory statement and allege without any evidence that the substitution would result in a fast, simple, and reliable coupler mechanism. Pet. at 42; EX1003 ¶ 126. However, a POSITA would have known that the collar and twist lock joint of Maclaine is already a fast, simple, and reliable coupler mechanism, especially with regard to a hair care appliance, whereas the exposed elements of coupling mechanism of Hoblingre would have been expected to cause potential issues with use of the hair care appliance. Petitioners fail to

address either of these drawbacks with respect to the conclusion that the substitution would improve the hair care appliance of Maclaine.

79. Thus, in my opinion, Petitioners and Dr. Nosenchuck have not met their burden of showing that a POSITA would have been motivated to combine Hoblingre with Maclaine, and thus have not met their burden as to Ground 2.

b. Petitioners fail to show that the combination of Hoblingre and Maclaine discloses the limitations of Claims 2 and 4

80. Petitioners and Dr. Nosenchuck rely solely on the teachings of Hoblingre for the limitations of Claim 1 other than “handheld” in the preamble. Pet. and 35 (incorporating by reference analysis from Ground 1); EX1003 ¶ 123 (same); *see also* Pet. and 43-49 (no analysis of the limitations of Claim 1 other than the preamble); EX1003 ¶ 129. However, as discussed above, Hoblingre fails to disclose all the additional limitations of Challenged Claims 2 and 4. *See supra* §§ V.B.1.a., V.B.1.b. Thus, in my opinion, Ground 2 also fails for this reason with regard to Challenged Claims 2 and 4.

c. Petitioners fail to show that the combination of Hoblingre and Maclaine would have rendered the limitations of Challenged Claim 18 obvious

81. Petitioners and Dr. Nosenchuck rely solely on the teachings of Hoblingre for the limitations of Claim 1 other than “handheld” in the preamble. Pet. at 35 (incorporating by reference analysis from Ground 1); EX1003 ¶ 123 (same); *see also* Pet. at 43-49 (no analysis of the limitations of Claim 1 other than

the preamble); EX1003 ¶ 129. Then, for Challenged Claim 18, which includes the limitations of Challenged Claim 1, Petitioners and Dr. Nosenchuck rely on the alleged teaching of a collar in Maclaine. Pet. at 46-48; EX1003 ¶¶ 132-135.

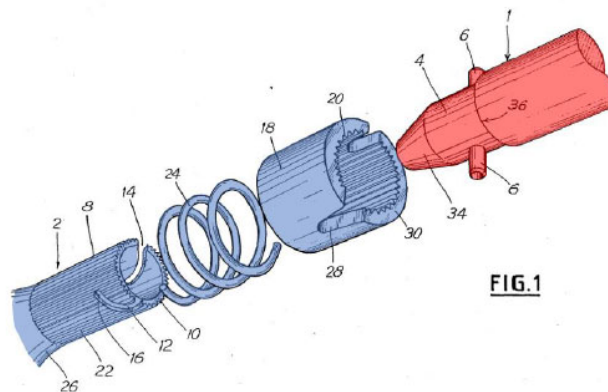
However, Petitioners and Dr. Nosenchuck fail to provide any rationale for why it would have been obvious to incorporate the collar of Maclaine into the structural features of Hoblingre. Instead, Petitioners allege that a POSITA would have been motivated to combine Hoblingre and Maclaine for the reasons set forth in Section IV.B.1.b of the Petition. Pet. at 40-43; EX1003 ¶¶ 124-127. However, as discussed above, the alleged motivations to combine Hoblingre and Maclaine set forth in Section IV.B.1.b of the Petition relate to modifying Maclaine to substitute the connection of Hoblingre for the connection disclosed in Maclaine. Thus, in Petitioners' and Dr. Nosenchuck's proposed combination, the connection between body and attachment is the connection of Hoblingre. Petitioners and Dr. Nosenchuck fail to provide any rationale for why it would have been obvious to modify the connection of Hoblingre to include the collar of Maclaine.

Specifically, the collar in Maclaine is an element of the connection between body and attachment that would be replaced by Hoblingre's attachment mechanism in Petitioners' and Dr. Nosenchuck's proposed combination of Hoblingre and Maclaine.

82. In addition to Petitioners and Dr. Nosenchuck failing to provide any rationale for including the collar of Maclaine in the proposed combination of Hoblingre and Maclaine, a POSITA would have recognized that adding a collar to the connection of Hoblingre would render the connection more difficult to disassemble, thus not leading a POSITA to make such a modification.

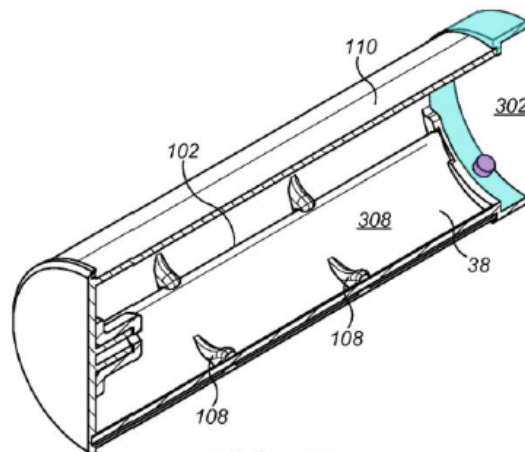
Disassembly of the connection in Hoblingre requires a user urging the ring 18 against the action of the spring 24 to release driving pins 6 and element 1. EX1004 at 3:37-40. If the collar of Maclaine is added to Hoblingre, the collar would interfere with the user's ability to access ring 18 to urge it against the action of the spring 24.

83. Further, the collar in Challenged Claim 18 is part of the attachment. Petitioners and Dr. Nosenchuck allege that element 1 comprising driving pins 6 corresponds to the claimed attachment, as illustrated in red below. Pet., 14-15; EX1003 ¶ 67.



Pet. at 15; EX1003 ¶ 67

84. However, Petitioners and Dr. Nosenchuck have failed to provide any explanation for how a collar on element 1 would not interfere with the connection between elements 1 and 2. The connection of Hoblingre involves elongated stem 4 fitting within socket 8 and pins 6 protruding from the elongated stem to extend through slots 12 and slots 28. EX1004 at Figs. 1-4. As illustrated below, the collar of Maclaine (light blue) extends beyond the axial extent of the attachment. EX1007 at Figs. 1b, 3b, 4b, 9b, and 10b.



Pet. at 47; EX1003 ¶ 133

85. A POSITA would have known that a collar extending beyond the axial extent of elongated stem 4 in Hoblingre would interfere with the fit between elongated stem 4 and socket 8 and thus would interfere with the connection between elements 1 and 2. Also, a collar extending beyond the axial extent of elongated stem 4 would be inside socket 8 and not cover any connecting feature in Hoblingre and thus any of the advantages of the collar in Maclaine would not be

relevant. If a POSITA added a collar to Hoblingre to cover connecting features such as pins 6, the collar would interfere with the path of pins 6 through slot 12 and slot 28, thereby making Hoblingre's attachment mechanism inoperable. Accordingly, a POSITA would have had no reason to modify Hoblingre or the connection of Hoblingre in a combination with Maclaine to meet the limitation "wherein the attachment comprises a collar extending around the attachment."

86. In addition, even if it were obvious to include a collar extending around the attachment, it would not have been obvious that "the first protrusion extends from the collar," as required by Challenged Claim 18. Petitioners and Dr. Nosenchuck fail to discuss whether the addition of a collar from Maclaine in the connection of Hoblingre would result in the pins 6 being moved to the collar. Instead, Petitioners and Dr. Nosenchuck merely show protrusions on the collar and twist connection of Maclaine, which is not present in Petitioners' and Dr. Nosenchuck's proposed Ground 2 in which the bayonet type connection of Hoblingre replaces the collar and twist connection of Maclaine. Pet. at 46-47; EX1003 ¶ 133. Hoblingre only describes pins 6 protruding outward from elongated stem 4 and a POSITA would not have expected success from modifying Hoblingre to include pins 6 protruding from a collar extending around element 1. If pins 6 protrude outwardly from the collar, the collar either interferes with the fit between socket 8 and elongated stem 4 as discussed above if the collar is interior to

ring 18, or does not interact with slot 12 or slot 28 if the collar is exterior to ring 18. In either case, a POSITA would have recognized that such a modification would render Hoblingre unsatisfactory for its intended purpose to transmit large torques between elements 1 and 2. Specifically, where there is a gap or interfering elements between socket 8 and elongated stem 4, there could be potential for slippage between the elements 1 and 2 when transmitting large torques.

87. Alternatively, Petitioners and Dr. Nosenchuck provide no rationale to modify Hoblingre to have a collar exterior to ring 18 that includes pins 6 protruding inwardly towards elongated stem 4. The pins 6 in Hoblingre are guided and trapped within slot 12 of socket 8 because they protrude outward from elongated stem 4 through both slot 12 and slot 28. EX1004 at 3:5-8. If Hoblingre were modified to include pins 6 protruding inwardly from a collar as shown in Maclaine, then pins 6 would either not protrude through slot 12 or a gap would need to be created between socket 8 and elongated stem 4 to allow for pins 6 to protrude through slot 12 in socket 8. If pins 6 do not protrude through slot 12, there would be increased potential for pins 6 to not stay trapped by the interaction of slots 12 and 28. Creating a gap between socket 8 and elongated stem 4 creates the potential for slippage between the elements 1 and 2 when transmitting large torques as explained above.

88. Accordingly, in my opinion, a POSITA would not have been motivated to modify Petitioners' proposed combination of Hoblingre and Maclaine to include the collar of Maclaine. Thus, Ground 2 also fails for this reason with regard to Challenged Claim 18.

d. Petitioners fail to show that the combination of Hoblingre and Maclaine discloses the limitations of Challenged Claims 30 and 31

89. Petitioners and Dr. Nosenchuck rely solely on the teachings of Hoblingre for the limitations of Claim 1 other than "handheld" in the preamble. Pet. at 35 (incorporating by reference analysis from Ground 1); EX1003 ¶ 123 (same); *see also* Pet. at 43-49 (no analysis of the limitations of Claim 1 other than the preamble); EX1003 ¶ 129. In addition, specifically with regard to Challenged Claim 30, Petitioners and Dr. Nosenchuck rely solely on Hoblingre for all the elements in Challenged Claim 1 by referring strictly to Sections IV.A.2.a-f of the Petition, and they rely exclusively on this analysis for Challenged Claim 31 as well. Pet. at 48-49; EX1003 ¶¶ 136-138. Petitioners and Dr. Nosenchuck further allege that Maclaine discloses "a hair care appliance" (Claim 30) and "a hot styling appliance" (Claim 31). Pet. at 48-49; EX1003 ¶¶ 136-138.

90. However, Petitioners and Dr. Nosenchuck provide no rationale for how Hoblingre could be used as a hair care appliance or hot styling appliance or why it would have been obvious to modify Hoblingre such that it could be used as a hair care appliance or hot styling appliance. In particular, Petitioners and Dr.

Nosenchuck rely strictly on element 2 to correspond to the claimed body and element 1 to correspond to the claimed attachment. Pet. at 14-15; EX1003 ¶ 67. However, Petitioners have not explained how elements 1 and 2 are capable of use as a hair care appliance or hot styling appliance without any air flow capability (for Claim 30) or heating element (for Claim 31) or why it would have been obvious to modify elements 1 and 2 to make them capable of use as a hair care appliance or hot styling appliance. Thus, in my opinion, Ground 2 also fails for this reason with regard to Challenged Claims 30 and 31.

3. GROUND 3: Hoblingre in view of Maclaine and Jeannet would not have rendered obvious the Challenged Claims

91. In my opinion, Ground 3 includes the deficiencies of Grounds 1 and 2. Petitioners and Dr. Nosenchuck rely upon the analysis for Grounds 1 and 2 as to all of the Challenged Claims other than Claims 33 and 34. Pet. at 50 (incorporating by reference analysis of Grounds 1 and 2); EX1003 ¶ 139 (same); *see also* Pet. at 53-59 (only addressing Claims 33 and 34); EX1003 ¶¶ 139-160 (same). Because Ground 3 relies solely on Hoblingre for the additional limitations of Challenged Claims 2 and 4, Ground 3 also fails for the same reasons as Ground 1. Petitioners and Dr. Nosenchuck incorporate by reference their discussion of those limitations in Grounds 1 and 2 as to Claim 1 without providing any further disclosure in Jeannet. Pet. at 53; EX1003 ¶ 139. Thus, for the same reasons articulated above as to Grounds 1 and 2, in my opinion, Petitioners and Dr. Nosenchuck have not

met their burden of showing by a preponderance of the evidence that any Challenged Claim was obvious under Ground 3.

92. In addition, Petitioners and Dr. Nosenchuck fail to provide an adequate rationale for why it would have been obvious to incorporate Jeannet's unlocking button into the alleged Hoblingre and Maclaine system. Specifically, the alleged combination of Hoblingre and Maclaine suggested in Section IV.B.1.b of the Petition results in the bayonet type coupling of Hoblingre in the handheld hair care appliance of Maclaine. Petitioners and Dr. Nosenchuck allege that adding Jeannet's unlocking button to the Hoblingre and Maclaine system provides a relatively easy way to release the coupling, and Jeannet's unlocking button would have been a simple addition to allegedly result in a simpler and easier to use unlocking mechanism. Pet. at 52-53; EX1003 ¶¶ 140-142. However, just as with those provided for Ground 2, each of these alleged rationales are merely conclusory statements with no explanation for why Jeannet's unlocking button would make unlocking the bayonet coupling of Hoblingre simpler or easier to use.

93. To support the alleged rationales for combining Jeannet's unlocking button with Hoblingre and Maclaine, Petitioners cite paragraphs 140-142 of the Declaration of Dr. Nosenchuck (EX1003). However, these paragraphs also merely make conclusory statements about simple substitution and alleged advantages without providing any explanation for such conclusory statements. For example,

neither Petitioners nor Dr. Nosenchuck address how the unlocking button of Jeannet being added to the outside of Hoblingre's ring 18 would actuate ring 18 to be pushed against coil spring 24 and thus unlocking driving pin 6. Similarly, neither Petitioners nor Dr. Nosenchuck provide any explanation for how a button to release a catch would be simpler or easier to use than Hoblingre's release mechanism of pushing ring down towards coil spring 24. Thus, none of the rationales provided by Petitioners to add the unlocking button of Jeannet to the coupling of Hoblingre appears relevant to Hoblingre and instead would have at most been expected to complicate the coupling.

94. For example, adding a button to Hoblingre would require some mechanism that would move ring 18 against spring 24 based on movement of the button. Petitioners and Dr. Nosenchuck provide no explanation for how such a mechanism would function or where such a button would be placed in relation to ring 18. Even if such a mechanism were possible, a POSITA would have been expected it to be substantially more complex and more difficult to use than the system in Hoblingre that merely requires the user to urge ring 18 toward spring 24. Such a mechanism would have been expected to need substantially more moving parts than the connection system of Hoblingre. Petitioners provide no explanation for how moving a button connected through some mechanism would be easier for a user than Hoblingre's system that merely requires moving ring 18 towards spring

24, which Hoblingre refers to as a connection that is “very easily dismantled.”

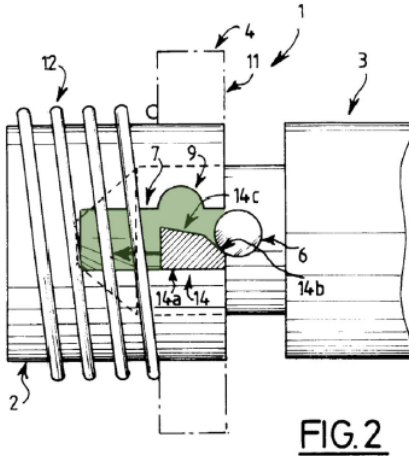
EX1004 at 3:37-40.

95. Thus, in my opinion, Petitioners have not met their burden of showing that the Challenged Claims were obvious in view of Hoblingre in combination with Maclaine and Jeannet under Ground 3, and thus Ground 3 fails, especially with regard to Challenged Claims 33 and 34.

4. GROUND 4: Mouhot does not anticipate Claims 1-9, 15, 23, 24, and 32

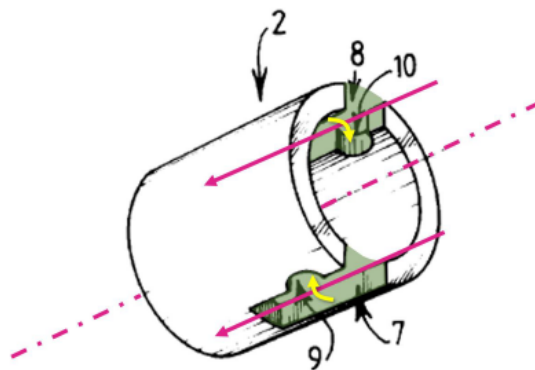
a. Petitioners fail to show that Mouhot discloses the claimed “the first slot extends . . . radially around . . . the body” present in all Challenged Claims in Ground 4

96. In my opinion, Petitioners and Dr. Nosenchuck have not met their burden of showing that Mouhot discloses “the first slot extends . . . radially around . . . the body,” as required by independent Claim 1, from which all of the Challenged Claims in Ground 4 depend. Petitioners and Dr. Nosenchuck assert that slot 7 and corresponding stop means 9 comprise the “first slot” as illustrated in green below:



Pet. at 64; EX1003 ¶ 174

97. Petitioners and Dr. Nosenchuck then assert that slot 7, which Mouhot described as an “axial slot[,],” extends along a longitudinal axis and that stop means 9 extends laterally from slot 7. Pet. at 70; EX1003 ¶ 183. Petitioners and Dr. Nosenchuck further assert that because the stop means 9 extends laterally, slot 7 extends radially around socket 2 as illustrated below in yellow. Pet. at 70; EX1003 ¶ 183.



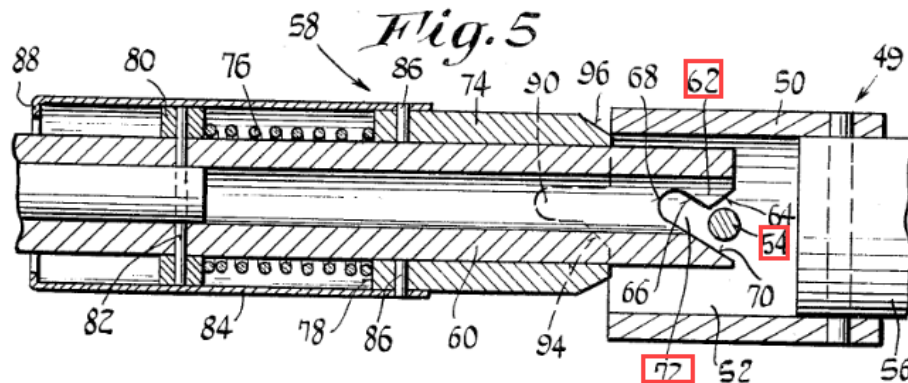
Pet. at 70; EX1003 ¶ 183

98. However, although stop means 9 is a notch in slot 7, as illustrated above, the notch does not change the direction of slot 7. As illustrated above, slot

7 continues axially along socket 2 past the stop means 9 and at no time does slot 7 extend radially around socket 2, which Petitioners allege corresponds to the claimed body. Although the combination of wedge-shaped means 14 and stop means 9 may allow for lateral protruding part 6 to move in a radial direction around socket 2, slot 7 itself continues to extend axially along socket 2. Thus, Mouhot teaches a slot that only extends along a longitudinal axis, not both radially around and axially along the body as required by independent Claim 1.

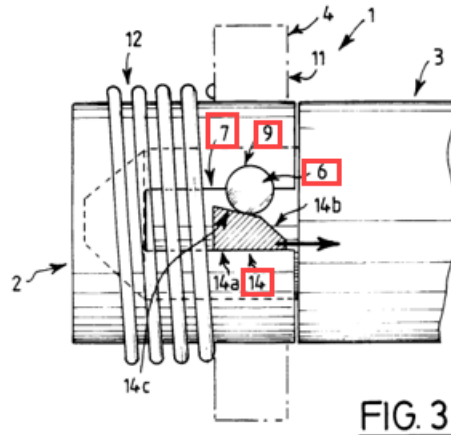
99. Petitioners and Dr. Nosenchuck attempt to overcome the above deficiency of Mouhot by arguing that stop means 9 is part of slot 7. Pet. at 71; EX1003 ¶ 183. However, unlike the slots described in the '660 Patent that have a curve that enables an extension in the axial and radial directions, EX1001 at 4:65-67, Figs. 6a, 6b, Mouhot instead discloses merely an axial slot with a notch or widening portion that enables wedge-shaped means 14 to urge at least a portion of lateral protruding part 6 out of slot 7 so that it is stopped from movement within the slot. EX1005 at 3:3-20. The specification and drawings of the '660 Patent and the prosecution history support the position that a slot proceeding in a single direct (axial or radial) that has a notch or protuberance that can change the direction of the protuberance passing through the slot, such as that disclosed in Mouhot, does not disclose the claimed “the first slot extends both radially around and axially along the body.”

100. In particular, the limitation “the first slot extends both radially around and axially along the body” was added during prosecution of the ’660 Patent in order to overcome U.S. Patent No. 3,280,439 (“McCarthy”). Pet. at 9 (citing EX1002 at 100-116). As illustrated below, McCarthy discloses a slot 72 that extends radially around the body as well as protuberant side wall portions 62 that create an entrance to slot 72 such that the locking pin 54 follows an axial extension until locking pin 54 passes protuberant sidewall portion 62 and follows the slot 72 radially around the body. EX2009 at Fig. 5, 4:36-45.



EX2009 at Fig. 5 (annotated)

101. As illustrated below, in a similar manner, slot 7 of Mouhot extends only axially along the body and not radially around the body even though lateral protruding part 6 can be pushed into stop means 9 by wedge-shaped means 14 while passing along slot 7.



EX1005 at Fig. 3 (annotated)

102. Thus, during prosecution, the Examiner found that a disclosure similar to Mouhot did not meet the limitation requiring “the first slot . . . extends both radially around and axially along the body.” *See* EX1002 at 66, 81-92, 100-116.

103. Accordingly, in my opinion, Petitioners and Dr. Nosenchuck have not shown by a preponderance of the evidence that Mouhot discloses “the first slot extends . . . radially around . . . the body,” and Ground 4 fails on that basis alone.

b. Petitioners fail to show that Mouhot teaches the claimed “actuator”

104. Petitioners and Dr. Nosenchuck allege that locking means 4 that comprises ring 11 and coil spring 12 constitutes the claimed “actuator.” Pet. at 65; EX1003 ¶ 176). However, neither Petitioners nor Dr. Nosenchuck provide any explanation for why locking means 4 corresponds to the claimed “actuator.” The ’660 Patent discloses that the purpose of actuator 50 is “to retain attachment 20 on the body 210 until the user wishes to change the attachment or remove the

attachment for storage purposes.” EX1001 at 5:1-4. Actuator 50 includes both “a first part 52 which physically retains a protrusion 30 within slot 232a and a second part 54 which a user interacts with” and “[t]he first part 52 of the actuator 50 functions to retain the protrusion 30 in slot 232a until the user moves the actuator 50 to allow the protrusion 30 to be removed from the slot 232a.” EX1001 at 5:4-14. This is consistent with how a POSITA would have interpreted the meaning of “actuator” as allowing a user to apply force in order to both retain an attachment as well as remove an attachment.

105. Conversely, Mouhot does not disclose the claimed “actuator” such that a user applies force to both retain shank 3, which Petitioners allege is the claimed “attachment,” into socket 2 and locking means 4, which Petitioners allege is the claimed “body,” as well as to release shank 3 from socket 2 and locking means 4. Notably, there is no description of locking means 4 transmitting force to another feature. A POSITA would have recognized that, rather than describing a release mechanism, locking means 4 merely blocks movement of lateral protruding part 6 until a force greater than the blocking force is applied to shank 3. Unlike the claimed “actuator” in the ’660 Patent, Mouhot fails to provide any description of the user applying a force to locking means 4 to change the locking position of locking means 4. Instead, based on the wedge shape of wedge-shaped means 14, it appears that ring 11 is merely a blocking element similar to a wall in the slot 7 that

prevents protruding part 6 from moving further down slot 7. Also, because wedge-shaped means 14 blocks less of slot 7 towards the entrance of slot 7, little force is required for protruding part 6 to be pulled back toward the entrance of slot 7 for disassembly. Thus, there is no disclosure or suggestion in Mouhot that a user applies any force to ring 11 in order to disassemble shank 3 from socket 2 and locking means 4. Accordingly, a POSITA would have recognized that ring 11 of locking mechanism 4 acts like a blocking mechanism or wall rather than the claimed “actuator.”

106. Thus, in my opinion, Petitioners and Dr. Nosenchuck have not shown by a preponderance of the evidence that Mouhot discloses the claimed “actuator,” and Ground 4 also fails on that basis alone.

5. GROUND 5: Mouhot in view of Maclaine would not have rendered obvious Claims 1-9, 15, 18, 23, 24, 30-32

a. Petitioners fail to provide sufficient rationale for combining Mouhot and Maclaine as they propose

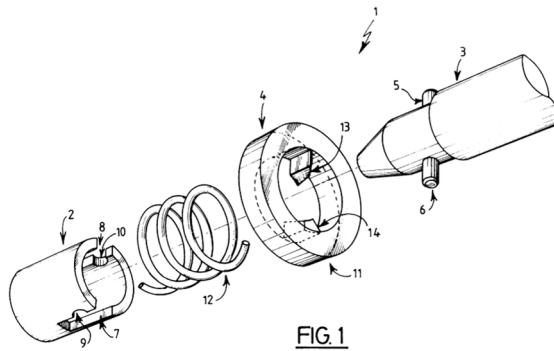
107. In my opinion, Petitioners and Dr. Nosenchuck did not meet their burden of showing a motivation to combine the references. Each of Petitioners’ and Dr. Nosenchuck’s alleged rationales are merely conclusory statements with no explanation for why the combination is a simple substitution, why the advantages of the attachment in Mouhot for joining two torque transmitting shafts are relevant

to the handheld appliance of Maclaine, or why the substitution would improve the handheld appliance of Maclaine.

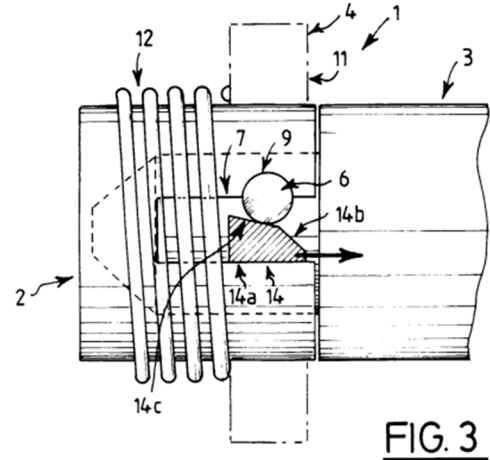
108. Further, Petitioners and Dr. Nosenchuck fail to address problems that a POSITA would have recognized in using the connection of Mouhot in the appliance of Maclaine. To support the alleged rationales for combining Mouhot and Maclaine, Petitioners cite to paragraphs 221-224 of the Declaration of Dr. Nosenchuck (EX1003). However, these paragraphs also merely make conclusory statements about simple substitution, alleged advantages, and alleged improvement of the handheld appliance without providing any explanation for such conclusory statements, nor do any of these paragraphs address the concerns with using the connection of Mouhot in a hair care appliance.

109. Petitioners and Dr. Nosenchuck conclude that substituting Mouhot's coupling mechanism for that of Maclaine would "improv[e] the usability of such a hair care appliance when rotated through hair." Pet. at 89; EX1003 ¶ 222. However, neither Petitioners nor Dr. Nosenchuck provide any explanation of how Mouhot's coupling mechanism would improve the usability of the hair care appliance, especially in light of the '660 Patent's explicit disclosure that "hair is intended to wrap around the attachment during use." EX1001 at 8:44-47. As shown below in Figures 1 and 3 of Mouhot, the coupling mechanism includes a

coil spring 12, protruding parts 5, 6, slots 7, 8, socket 2, and ring 11, which includes wedge-shaped means 13, 14.



EX1005 at Fig. 1



EX1005 at Fig. 3

110. All of these features are exposed to anything coming into contact with the external surface of the coupling mechanism, including hair if used as a fastener for a handheld hair care appliance such as the one disclosed in Maclaine. Neither Petitioners nor Dr. Nosenchuck provide any explanation for why a POSITA would have found substituting the above coupling mechanism with a myriad of hair catching elements for the collar enclosed attachment mechanism of Maclaine, which has no exposed elements that would be expected to catch hair during use, would have improved the usability of the hair care appliance.

111. Understanding the user, and the way a product will be used, are critical to achieving those goals. When designing a hair styling appliance, it would have been clear to a POSITA that smooth surfaces should be obtained so as not to

unintentionally capture or tear the user's hair (other than those features which are intended to engage with the hair, such as the way hair is clamped within certain curling or straightening appliances). As such, Mouhot's prominent exposed coil spring, protruding part, slots, and ring with wedge-shaped means are something any POSITA would have known not to include, as such elements are likely to do exactly what the POSITA would be trying to avoid—capture and/or tear the user's hair. Furthermore, the visual perception such elements create to a user—prominent features a user will perceive as making the appliance difficult and potentially dangerous to use—is something a POSITA would have strived to avoid from a purely business standpoint, as it would make the appliance uncompetitive in the marketplace of styling devices which generally feature smooth, user-friendly surfaces.

112. While Petitioners and Dr. Nosenchuck also allege that a “POSITA would have been motivated to implement Mouhot's ‘extremely simple, reliable and easy to manufacture,’ Ex. 1005, [0028], coupling mechanism,” Pet.at 88; EX1003 ¶ 221, they fail to explain how this would have motivated a POSITA to make the proposed combination. This is merely a conclusory statement with no explanation for why a POSITA would have been motivated to substitute the coupling mechanism of Mouhot for what appears to be a simple, reliable, and easy to manufacture collar and twist lock joint of Maclaine. Specifically, neither

Petitioners nor Dr. Nosenchuck provide an explanation as to why the coupling of Maclaine is not at least as simple, reliable, and easy to manufacture as the coupling mechanism of Mouhot that involves coil spring 12, protruding parts 5, 6, slots 7, 8, socket 2, and ring 11, which includes wedge-shaped means 13, 14.

113. Finally, as to Petitioners' and Dr. Nosenchuck's allegation that the combination is nothing more than using a known technique to improve devices in the same way to yield predictable results, neither Petitioners nor Dr. Nosenchuck provide any explanation for how the coupling mechanism of Mouhot would improve the handheld hair care appliance of Maclaine. Instead, the Petition and Dr. Nosenchuck merely repeat the same conclusory statement and allege without any evidence that the substitution would result in a fast, simple, and reliable, and easy to manufacture coupler mechanism. Pet. at 88-90; EX1003 ¶¶ 222-224.

However, a POSITA would have known that the collar and twist lock joint of Maclaine is already a fast, simple, reliable, and easy to manufacture coupler mechanism especially with regard to a hair care appliance, whereas the exposed elements of coupling mechanism of Mouhot would have been expected to cause potential issues with use of the hair care appliance. Petitioners and Dr. Nosenchuck fail to address either of these drawbacks with respect to the conclusion that the substitution would improve the hair care appliance of Maclaine.

114. Thus, in my opinion, Petitioners and Dr. Nosenchuck have not met their burden of showing that a POSITA would have been motivated to combine Mouhot with Maclaine, and thus have not met their burden as to Ground 5.

b. Petitioners fail to show that the combination of Mouhot and Maclaine discloses the limitations of Claims 1-9, 15, 18, 23, 24, and 30-32

115. Petitioners and Dr. Nosenchuck rely solely on the teachings of Mouhot for the limitations of Claim 1 other than “handheld” in the preamble. Pet. at 88 (incorporating by reference analysis from Ground 4); EX1003 ¶ 220 (same); *see also* Pet. at 91-94 (no analysis of Claim 1 other than the preamble); EX1003 ¶¶ 225-226 (same). However, as discussed above, Mouhot fails to teach those limitations of independent Claim 1. *See supra* §§ V.B.4.a, V.B.4.b. Thus, Ground 5 also fails for this reason.

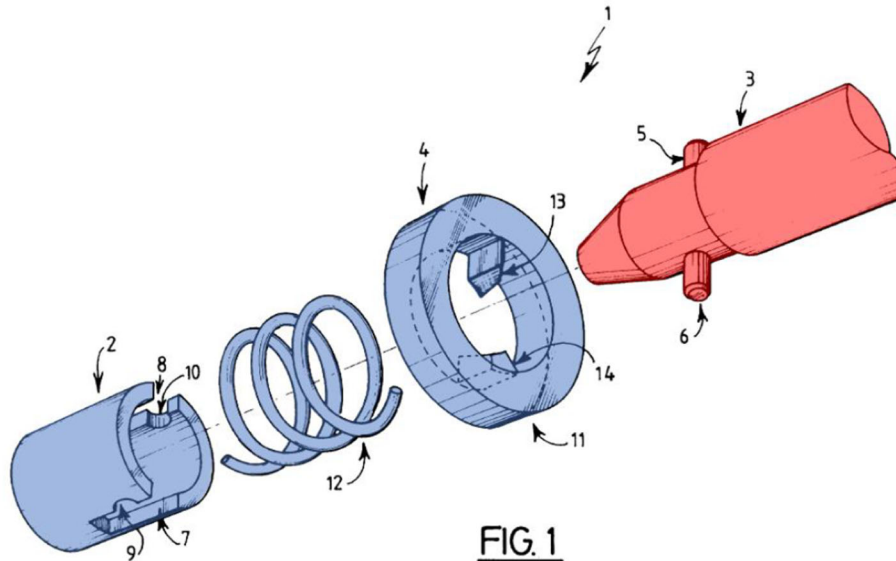
c. Petitioners fail to show that the combination of Mouhot and Maclaine would have rendered the limitations of Challenged Claim 18 obvious

116. Petitioners and Dr. Nosenchuck rely solely on the teachings of Mouhot for the limitations of Claim 1 other than “handheld” in the preamble. Pet. at 88 (incorporating by reference analysis from Ground 4); EX1003 ¶ 220 (same); *see also* Pet. at 91-94 (no analysis of the limitations of Claim 1 other than the preamble); EX1003 ¶¶ 225-226 (same). Then, for Challenged Claim 18, which includes the limitations of Challenged Claim 1, Petitioners and Dr. Nosenchuck

rely on the alleged teaching of a collar in Maclaine. Pet. at 92-93; EX1003 ¶¶ 229-232. However, Petitioners and Dr. Nosenchuck fail to provide any rationale for why it would have been obvious to incorporate the collar of Maclaine into the structural features of Mouhot. Instead, Petitioners and Dr. Nosenchuck allege that a POSITA would have been motivated to combine Mouhot and Maclaine for the reasons set forth in Section IV.E.1.a of the Petition. Pet. at 88-90; EX1003 ¶¶ 221-224. However, as discussed above, the alleged motivations to combine Mouhot and Maclaine set forth in Section IV.E.1.a of the Petition relate to modifying Maclaine to substitute the connection of Mouhot for the connection disclosed in Maclaine. Thus, in Petitioners' and Dr. Nosenchuck's proposed combination, the connection between body and attachment is the connection of Mouhot. Petitioners and Dr. Nosenchuck fail to provide any rationale for why it would have been obvious to modify the connection of Mouhot to include the collar of Maclaine. Specifically, the collar in Maclaine is an element of the connection between body and attachment that would be replaced by Mouhot's attachment mechanism in Petitioners' and Dr. Nosenchuck's proposed combination of Mouhot and Maclaine.

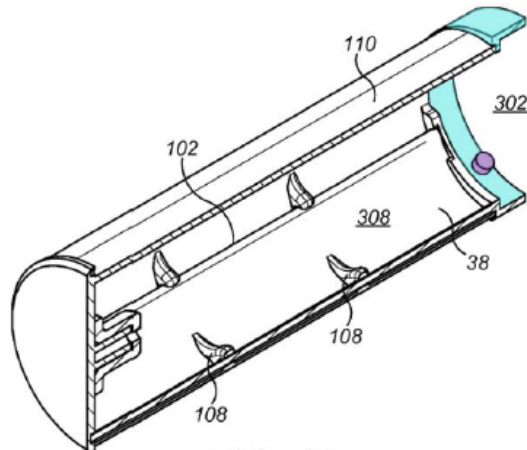
117. In addition to Petitioners and Dr. Nosenchuck failing to provide any rationale for including the collar of Maclaine in the proposed combination of Mouhot and Maclaine, a POSITA would have recognized that adding a collar to the connection of Mouhot would render the connection inoperable. The collar in

Challenged Claim 18 is part of the attachment. Petitioners and Dr. Nosenchuck allege that shank 3 comprising protruding parts 5, 6 corresponds to the claimed attachment, as illustrated in red below. Pet. at 61-62; EX1003 ¶¶ 167-169.



Pet. at 62; EX1003 ¶ 168

118. However, Petitioners and Dr. Nosenchuck have failed to provide any explanation for how a collar on shank 3 would not interfere with the connection between shank 3 and socket 2. The connection of Mouhot involves elongated stem on the end of shank 3 fitting within socket 2 and protruding parts 5, 6 protruding from the elongated stem to extend through slots 7, 8. EX1005 at Figs. 1-3. As illustrated below, the collar of Maclaine (light blue) extends beyond the axial extent of the attachment. EX1007 at Figs. 1b, 3b, 4b, 9b, 10b.



Pet. at 47; EX1003 ¶ 133

119. A POSITA would have known that a collar extending beyond the axial extent of shank 3 in Mouhot would interfere with the fit between elongated stem of shank 3 and socket 2 and thus would interfere with the connection between shank 3 and socket 2. Also, a collar extending beyond the axial extent of elongated stem of shank 3 would not cover any connecting feature in Mouhot and thus any of the advantages of the collar in Maclaine would not be relevant. If a POSITA added a collar to Mouhot to cover connecting features such as protruding parts 5, 6, the collar would interfere with the path of protruding parts 5, 6 through slots 7, 8, thereby making Mouhot's attachment mechanism inoperable. Accordingly, a POSITA would have had no reason to modify Mouhot or the connection of Mouhot in a combination with Maclaine to meet the limitation "wherein the attachment comprises a collar extending around the attachment."

120. In addition, even if it were obvious to include a collar extending around the attachment, it would not have been obvious that “the first protrusion extends from the collar,” as required by Challenged Claim 18. Petitioners and Dr. Nosenchuck fail to discuss whether the addition of a collar from Maclaine in the connection of Mouhot would result in the protruding parts 5, 6 being moved to the collar. Instead, Petitioners and Dr. Nosenchuck merely show protrusions on the collar and twist connection of Maclaine, which is not present in Petitioners’ and Dr. Nosenchuck’s proposed Ground 5 in which the bayonet type connection of Mouhot replaces the collar and twist connection of Maclaine. Pet. at 91-93; EX1003 ¶ 229-232. Mouhot only describes protruding parts 5, 6 protruding outwards from elongated stem of shank 3, and a POSITA would not have expected success from modifying Mouhot to include protruding parts 5, 6 protruding from a collar extending around shank 3. If protruding parts 5, 6 protrude outwardly from the collar, the collar either interferes with the fit between socket 2 and elongated stem of shank 3 by providing almost no overlap between the two features if the collar is interior of socket 2, or the protruding parts 5, 6 do not interact with slots 7, 8 if the collar is exterior to socket 2. In either of these scenarios, a POSITA would have recognized that such a modification would render Mouhot unsatisfactory for its intended purpose to transmit large torques between shank 3 and socket 2. Specifically, where there is limited overlap of shank 3 and socket 2 or interfering

elements between shank 3 and socket 2, there could be potential for slippage between shank 3 and socket 2 when transmitting large torques.

121. Alternatively, Petitioners and Dr. Nosenchuck provide no rationale to modify Mouhot to have a collar exterior to socket 2 that includes protruding parts 5, 6 protruding inwardly. The protruding parts 5, 6 in Mouhot are guided and trapped within slots 7, 8 of socket 2 by interaction with wedge-shaped means 13, 14 of ring 11. EX1005 at 3:34-4:6. If Mouhot were modified to include protruding parts 5, 6 protruding inwardly from a collar as shown in Maclaine, then protruding parts 5, 6 would either not protrude through slots 7, 8 if the collar was interior of socket 2 or protruding parts 5, 6 would never come into contact with wedge-shaped means 13, 14 of ring 11 if the collar was exterior of socket 2 because protruding parts 5, 6 would instead contact ring 11 itself. If protruding parts 5, 6 do not protrude through slots 7, 8, there would be no connection between shank 3 and socket 2. If there is no interaction between protruding parts 5, 6 and wedge-shaped means 13, 14 of ring 11, then there would be nothing locking protruding parts 5, 6 in stop means 9, 10.

122. Accordingly, in my opinion, a POSITA would not have been motivated to modify Petitioners' and Dr. Nosenchuck's proposed combination of Mouhot and Maclaine to include the collar of Maclaine. Thus, Ground 5 also fails for this reason with regard to Challenged Claim 18.

d. Petitioners fail to show that the combination of Mouhot and Maclaine discloses the limitations of Challenged Claims 30 and 31

123. Petitioners and Dr. Nosenchuck rely solely on the teachings of Mouhot for the limitations of Claim 1 other than “handheld” in the preamble. Pet. at 88 (incorporating by reference analysis from Ground 4); EX1003 ¶ 220 (same); *see also* Pet. at 91-94 (no analysis of the limitations of Claim 1 other than the preamble); EX1003 ¶¶ 225-226. In addition, specifically with regard to Challenged Claim 30, Petitioners rely solely on Mouhot for all the elements in Challenged Claim 1 by referring strictly to paragraphs 162-184 of Exhibit 1003, which relates to Dr. Nosenchuck’s analysis of Ground 4, and they rely exclusively on this analysis for Challenged Claim 31 as well. Pet. at 93-94; EX1003 ¶¶ 233-235. Petitioners and Dr. Nosenchuck further allege that Maclaine discloses “a hair care appliance” (Claim 30) and “a hot styling appliance” (Claim 31). Pet. at 93-94; EX1003 ¶¶ 233-235.

124. However, Petitioners and Dr. Nosenchuck provide no rationale for how Mouhot could be used as a hair care appliance or hot styling appliance or why it would have been obvious to modify Mouhot such that it could be used as a hair care appliance or hot styling appliance. In particular, Petitioners and Dr. Nosenchuck rely strictly on socket 2 to correspond to the claimed body and shank 3 to correspond to the claimed attachment. Pet. at 61-62; EX1003 ¶¶ 167-169. However, Petitioners and Dr. Nosenchuck have not explained how socket 2 and

shank 3 are capable of use as a hair care appliance or hot styling appliance without any air flow capability (for Claim 30) or heating element (for Claim 31) or why it would have been obvious to modify socket 2 and shank 3 to make them capable of use as a hair care appliance or hot styling appliance. Thus, in my opinion, Ground 5 also fails for this reason with regard to Challenged Claims 30 and 31.

6. GROUND 6: Mouhot in view of Maclaine and Jeannet would not have rendered obvious the Challenged Claims

125. Ground 6 includes the deficiencies of Grounds 4 and 5. Petitioners and Dr. Nosenchuck rely upon the analysis for Grounds 4 and 5 as to all of the Challenged Claims other than 33 and 34. Pet. at 94 (incorporating by reference analysis of Grounds 4 and 5); EX1003 ¶ 236 (same); *see also* Pet. at 96-100 (only addressing Claims 33 and 34); EX1003 ¶¶ 240-257 (same). Further, with respect to the claimed “handheld appliance” and “having a body and an attachment” limitations of independent Claim 33, Petitioners and Dr. Nosenchuck do not identify any disclosure in Jeannet. Pet. at 96; EX1003 ¶¶ 241-246. Thus, for the same reasons articulated as to Grounds 4 and 5, in my opinion, Petitioners and Dr. Nosenchuck have not met their burden of showing by a preponderance of the evidence that any Challenged Claim was obvious under Ground 6.

126. In addition, Petitioners and Dr. Nosenchuck fail to provide an adequate rationale for why it would have been obvious to incorporate Jeannet’s unlocking button into the alleged Mouhot and Maclaine system. Specifically, the

alleged combination of Mouhot and Maclaine suggested in Section IV.E.1.a of the Petition results in the bayonet type coupling of Mouhot in the handheld hair care appliance of Maclaine. Petitioners and Dr. Nosenchuck allege that adding Jeannet's unlocking button to the Mouhot and Maclaine system provides a relatively easy way to release the coupling and Jeannet's unlocking button would have been a simple addition to allegedly result in a simpler and easier to use unlocking mechanism. Pet. at 95-96; EX1003 ¶¶ 237-239. However, just as with those provided for Ground 5, each of these alleged rationales are merely conclusory statements with no explanation for why Jeannet's unlocking button would make unlocking the bayonet coupling of Mouhot simpler or easier to use.

127. To support the alleged rationales for combining Jeannet's unlocking button with Mouhot and Maclaine, Petitioners cite paragraphs 238-239 of the Declaration of Dr. Nosenchuck (EX1003). However, these paragraphs also merely make conclusory statements about simple substitution and alleged advantages without providing any explanation for such conclusory statements. For example, neither Petitioners nor Dr. Nosenchuck address how the unlocking button of Jeannet being added to locking means 4 would actuate locking means 4 to unlock protruding parts 5, 6. Similarly, neither Petitioners nor Dr. Nosenchuck provide any explanation for how a button to release a catch would be simpler or easier to use than Mouhot's release mechanism of either merely pulling shank 3 and socket

2 apart by overcoming the force applied by wedge-shaped means 13, 14 against protruding parts 5, 6 or urging ring 11 towards coil spring 12. Thus, none of the rationales provided by Petitioners to add the unlocking button of Jeannet to the coupling of Mouhot appear relevant to Mouhot and instead would have at most been expected to complicate the coupling.

128. Thus, in my opinion, Petitioners have not met their burden of showing that the Challenged Claims were obvious in view of Mouhot in combination with Maclaine and Jeannet under Ground 6, and thus Ground 6 fails, especially with regard to Challenged Claims 33 and 34.

VI. OPINIONS RELATED TO MOTION TO AMEND

129. While it is my opinion, as stated above, that the Challenged Claims are not unpatentable, I have reviewed Patent Owner's Substitute Claims 40-56 and am of the opinion that they are patentable over Hoblingre and Mouhot alone, as well as Hoblingre and Mouhot each in combination with Maclaine and Jeannet.

A. Substitute Claims 40-56

130. I understand that Patent Owner is proposing that if Claim 1 is found unpatentable, the '660 Patent should be amended to add Substitute 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.

131. I understand that Patent Owner is proposing that if Claim 33 is found unpatentable, the '660 Patent should be amended to add Substitute 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.

132. Substitute Claims 40 and 55 differ from Challenged Claims 1 and 33, respectively, in that they require: (i) a second slot and second protrusion that engages with the second slot; and (ii) that the actuator only interacts with one of the first and second protrusion.

133. I understand that Patent Owner is also proposing that if Claims 2-9, 15, 18, 24, 30-32, and 34⁸ are found unpatentable, the '660 Patent should be amended to add Substitute Claims 41-54 and 56, respectively. I understand that the only difference between Substitute Claims 41-54 and Challenged Claims 2-9, 15, 18, 24, and 30-32 is that the Challenged Claims depend from Challenged Claim 1 whereas the Substitute Claims depend from Substitute Claim 40. Likewise, I understand that the only difference between Substitute Claim 56 and Challenged Claim 34 is that Challenged Claim 34 depends from Challenged Claim 33 whereas Substitute Claim 56 depends from Substitute Claim 55.

B. Claim Construction

134. I understand that in reviewing whether the substitute claims are patentable in a motion to amend, the Board gives the claims their broadest

⁸ I understand that 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.

reasonable interpretation in light of the specification as it would have been interpreted by a POSITA at the time of the invention.

135. In reviewing whether Substitute Claims 40-56 are patentable, I have applied the broadest reasonable interpretation to a POSITA in view of the specification as to each of the terms in Substitute Claims 40-56.

C. Substitute Claims 40-56 are patentable over Petitioners' grounds

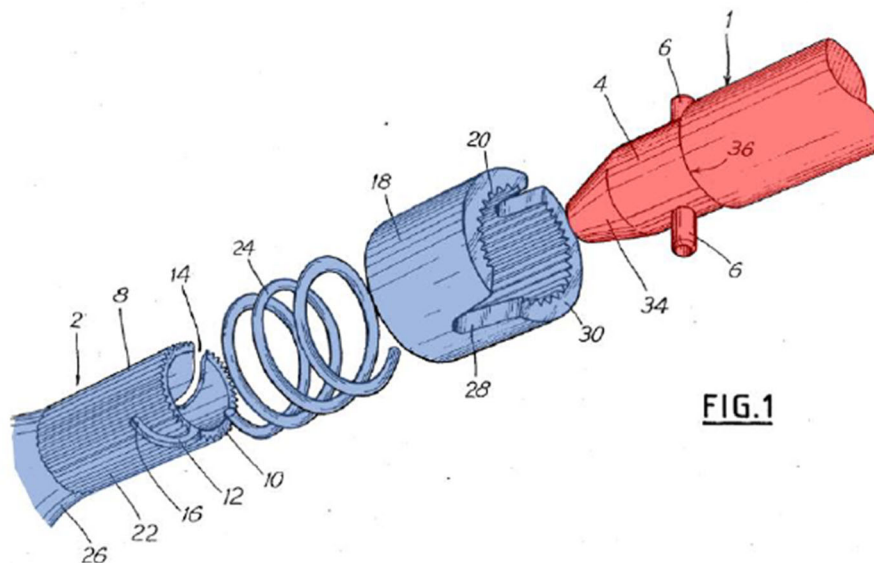
136. In my opinion, none of Hoblingre, Mouhot, Maclaine, or Jeannet discloses or renders obvious the newly amended limitations “the body comprising an attachment mechanism having a first slot, a second slot, and an actuator, the attachment comprising a first protrusion configured to engage with the first slot and a second protrusion to engage with the second slot, wherein the actuator interacts with only one of the first and second protrusions” for at least the reasons 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

137. In my opinion, Hoblingre does not disclose “wherein the actuator interacts with only one of the first and second protrusions” of the Substitute Claims.

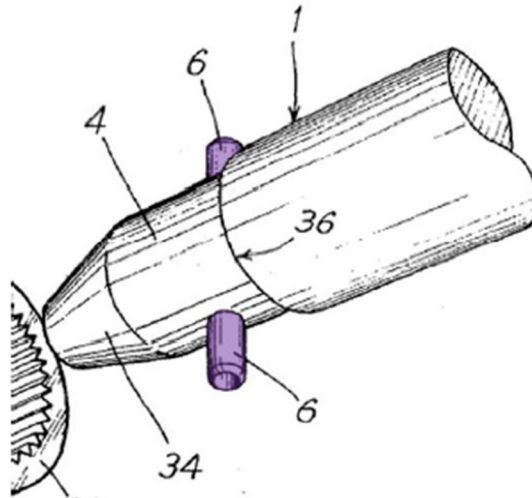
138. Petitioners and Dr. Nosenchuck assert that Hoblingre’s second shaft 2 comprising socket 8 and the guiding and locking means together corresponds to the

claimed “body” and that Hoblingre’s first shaft 1 corresponds to the claimed “attachment.” Pet. at 14-16; EX-1003 ¶¶ 66-71.



Pet. at 15; EX-1003 ¶ 67

139. Petitioners and Dr. Nosenchuck 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 and Dr. Nosenchuck 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

140. Finally, Petitioners and Dr. Nosenchuck 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.

141. 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. 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. 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. 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. Accordingly, ring 18 of Hoblingre's guiding and locking means, which Petitioners and Dr. Nosenchuck assert corresponds to the claimed actuator, interacts with both pins 6, which Petitioners and Dr. Nosenchuck assert corresponds to the claimed first and second protrusions. Thus, in my opinion, Hoblingre at least fails to disclose the added limitation "wherein the actuator interacts with only one of the first and second protrusions."

142. 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. 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. 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. 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. Modifying Hoblingre to have the guiding and lock means interact with only one of pins 6 would change the principle of operation of Hoblingre, which I understand legally is not sufficient to render the

claims obvious. Thus, in my opinion, Hoblingre fails to anticipate or render the Substitute Claims obvious.

143. In addition, As discussed in Section V.B.1. above, in my opinion, Hoblingre does not disclose the additional limitations of Challenged Claims 2 and 6. Because those limitations still exist in Substitute Claims 41 and 43, respectively, in my opinion, Hoblingre also fails to anticipate Substitute Claims 41 and 43 for the same reason.

144. Additionally, in my opinion, 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” 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. 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.” Thus, nothing in Maclaine or Jeannet would have provided a POSITA with a reason to modify Hoblingre to include this added limitation.

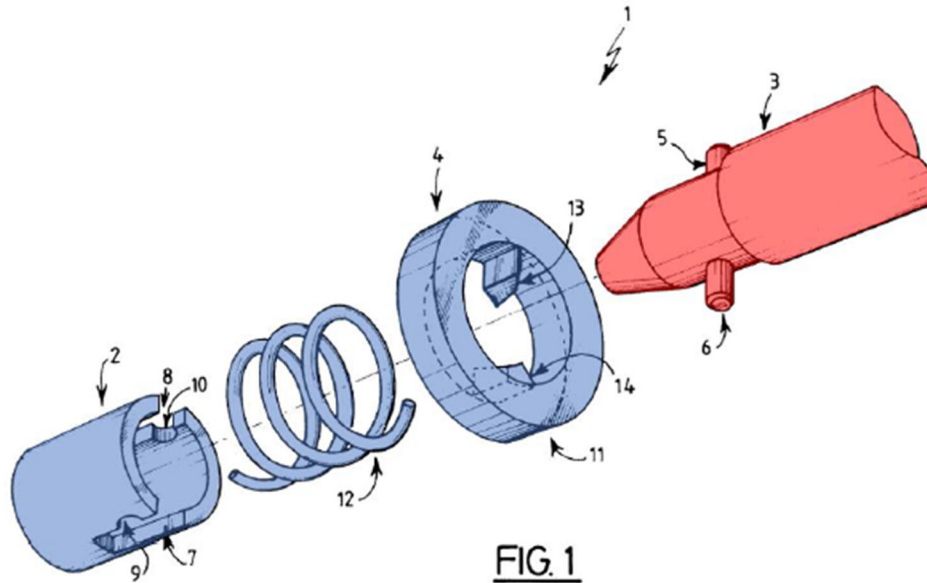
145. In addition, as discussed above in Sections V.B.2-3, it is also my opinion that Hoblingre in combination with Maclaine would not have rendered

obvious Challenged Claims 1-9, 15, 18, 24, and 30-32, and Hoblingre in combination with Maclaine and Jeannet would not have rendered obvious Challenged Claims 1-9, 15, 18, 24, and 30-34. For those same reasons, in my opinion, Hoblingre in combination with Maclaine and Hoblingre in combination with Maclaine and Jeannet also would have failed to render obvious Substitute Claims 40-56.

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

146. In my opinion, Mouhot does not disclose “wherein the actuator interacts with only one of the first and second protrusions” of the Substitute Claims.

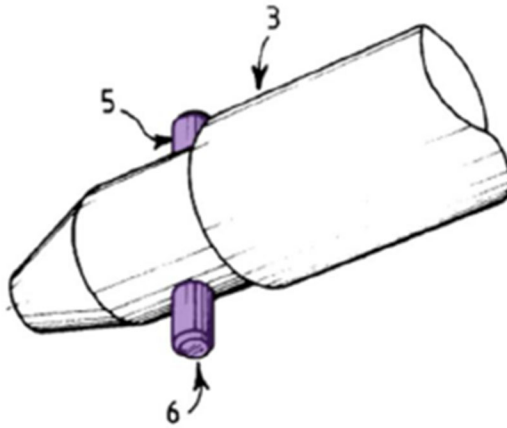
147. Petitioners and Dr. Nosenchuck assert that Mouhot’s socket 2 and locking means 4 together corresponds to the claimed “body” and that Mouhot’s shank 3 corresponds to the claimed “attachment.” Pet. at 61-62; EX-1003 ¶¶ 167-169.



Pet. at 62; EX-1003 ¶ 168

148. Petitioners and Dr. Nosenchuck 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.” Pet. at 63-64; EX-1003 ¶¶ 173-175. As discussed above in Section V.B.4.a., I disagree with Petitioners’ and Dr. Nosenchuck’s assertion that a combination of slot 7 and stop means 9 corresponds to the claimed “first slot” and that a combination of slot 8 and stop means 9 corresponds to the claimed “second slot.”.

149. Petitioners and Dr. Nosenchuck 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

150. 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.

151. However, as explained in Mouhot, locking means 4 includes two wedge-shaped means movable in each corresponding slot of the socket. EX-1005 at 3:8-9. 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. “[W]hen the shank 3 is inserted 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. “[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.

152. 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. 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 and Dr. Nosenchuck assert corresponds to the claimed first and second protrusions. Thus, in my opinion, Mouhot at least fails to disclose the added limitation “wherein the actuator interacts with only one of the first and second protrusions.”

153. In addition, in my opinion, 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. 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. 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. 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. 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. 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. 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.

154. 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. 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. 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. Thus, in my opinion, Mouhot fails to anticipate or render the Substitute Claims obvious.

155. In addition, as discussed above in Section V.B.4., it is also my opinion that Mouhot does not disclose additional limitations present in each of the Challenged Claims. Because those limitations still exist in Substitute Claims 40-56, in my opinion, Hoblingre also fails to anticipate Substitute Claims 40-56 for the same reason.

156. Additionally, in my opinion, 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. 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.” Thus, nothing in Maclaine or Jeannet would have provided a reason to modify Mouhot to include this added limitation.

157. In addition, as discussed in Sections V.B.5-6. above, it is also my opinion that Maclaine would not have rendered obvious Challenged Claims 1-9, 15, 18, 24, and 30-32, and Mouhot in combination with Maclaine and Jeannet would not have rendered obvious Challenged Claims 1-9, 15, 18, 24, and 30-34. For those same reasons, in my opinion, Mouhot in combination with Maclaine and Mouhot in combination with Maclaine and Jeannet also would have failed to render obvious Substitute Claims 40-56.

I, Joel Delman, declare that all statements made herein of my knowledge are true, and all statements made on information and believe are believed to be true, and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment under Section 1001 of Title 18 of the United States Code.

Executed on August 27, 2024.

By:

A handwritten signature in blue ink, consisting of a stylized 'J' followed by a horizontal line.

Joel Delman

APPENDIX A

Formerly a corporate lawyer, I graduated Harvard Law School and later earned a Master's in Industrial Design at Pratt Institute. From toys to complex medical devices, I've spent the past 28 years guiding innovation through strategic product development, and have helped hundreds of clients bridge the gap between creative insight and commercial success.

EDUCATION **Pratt Institute** Master of Industrial Design, 1995
Harvard Law School J.D. 1991
New York University B.S. Economics, 1988

PROFESSIONAL EXPERIENCE

- | | |
|-----------------------------|--|
| <i>Design Director</i> | Informed Innovation Inc.
<i>Los Angeles, CA 2018 – Present</i> <ul style="list-style-type: none">• Strategic consulting agency focused on the application of design thinking to clients' most challenging business opportunities |
| <i>Creative Director</i> | Product Development Technologies LLC
<i>Los Angeles, CA 1999 – 2018</i> <ul style="list-style-type: none">• Promoted effective user-centered design processes in a fast-paced, multidisciplinary consulting environment• Managed all issues related to intellectual property, licensing of technology, and the many legal facets of design and development• Founded and directed PDT's Informed Innovation division, charged with generating proprietary products for license to leading manufacturers; delivered over 300% ROI• Responsible for multiple large scale programs for a diverse range of clients, from complex medical devices to mass market consumer electronics |
| <i>Associate Professor</i> | ArtCenter College of Design
<i>Pasadena, CA August 2019 – Present</i> <ul style="list-style-type: none">• Graduate level class in portfolio development and professional practice |
| <i>Board of Directors</i> | Metamason Inc.
<i>Pasadena, CA 2013 – Present</i> <ul style="list-style-type: none">• Healthcare focused startup capitalizing on 3D printing technologies to automate the creation of custom-fit medical devices• Engage, advise and take part in decisions impacting all aspects of corporate strategy, fundraising and governance |
| <i>Mentor & Advisor</i> | Make in LA
<i>Los Angeles, CA 2016 – Present</i> <ul style="list-style-type: none">• Provide guidance to startups, from the perspective of product development and design strategy, at Los Angeles' first dedicated hardware accelerator |
| <i>Mentor & Advisor</i> | The Design Accelerator
<i>Pasadena, CA 2013 – Present</i> <ul style="list-style-type: none">• Partnership among Art Center College of Design, Caltech and Idealab implementing low-cost management techniques to help design-driven tech startups grow into scalable technology businesses |

Principal

Twenty Twenty Thinking Inc.

Chicago, IL 1997 – 1999

- Invented, developed and licensed magical toy concepts, including the award-winning Bubble Bugs™ and Exclamation! Pen™
- Built successful licensing revenue stream, leveraging background in business, law and design to go head-to-head with established toy development firms

Designer

Zenith Electronics Corp.

Chicago, IL 1995 – 1997

- Managed brand development through design of next gen televisions, remotes and media devices for giant American electronics manufacturer challenged by Asian competition

Designer

Cousins Design

New York, NY 1993 – 1995

- Responsible for all phases of design process at renowned boutique firm, from initial concept development through client presentations

Attorney

Gunster, Yoakley & Stewart

West Palm Beach, FL 1991 – 1993

- Creative problem solving for a variety of complex corporate, banking and securities matters, focused on the legal needs of entrepreneurial businesses

HONORS

Chair, IDSA Design Protection Committee

(Industrial Designers Society of America)

IDSA 20/20 Award

Recognizing twenty designers who contributed to the advancement of the design profession in 2020

40+ US Patents and Patents Applied For

Dr. Toy Best New Toy, Gold Award

ID 40 Award, ID Magazine

Good Design Award, Chicago Athenaeum

CES Innovation Award, Consumer Electronics Association

Industrial Design Excellence Award (IDEA), Industrial Designers Society of America

Wall Street Journal “Form + Function” Column, Featured Designer

Becoming a Product Designer, Profiled by author and distinguished designer

Bruce Hannah

SELECT CLIENTS



APPENDIX B

APPENDIX B – MATERIALS CONSIDERED

Paper	Description
2	Petition for <i>Inter Partes</i> Review of U.S. Patent No. 11,589,660
4	Patent Owner’s Power of Attorney
5	Patent Owner’s Mandatory Notices
6	Patent Owner’s Preliminary Response
9	Petitioners’ Corrected Petition for <i>Inter Partes</i> Review of U.S. Patent No. 11,589,660
10	Decision Granting Institution of <i>Inter Partes</i> Review
11	Scheduling Order

Exhibit	Description
1001	U.S. Patent No. 11,589,660
1002	File History for U.S. Patent No. 11,589,660
1003	Declaration of Dr. Nosenchuck
1004	U.S. Patent No. 4,943,182 (“Hoblingre”)
1005	Certified Translation of European Patent Application No. EP0791758 (“Mouhot”)
1006	European Patent Application No. EP0791758 (“Mouhot”)
1007	U.S. Patent Application Publication No. 2015/0265022 (“MacLaine”)
1008	U.S. Patent No. 6,161,244 (“Jeannet”)
1009	U.S. Patent No. 5,715,847 (“Rolf”)
1010	U.S. Patent No. 7,876,373 (“Ochi”)
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
2009	U.S. Patent No. 3,280,439 (“McCarthy”)

APPENDIX C

US Patents and Applications on Which I am Named Inventor

US Utility Patents

10,631,678
6,578,725
6,976,605
6,997,342
6,997,345
7,047,585
7,207,461
7,306,131
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US Design Patents

D389,516
D468,224
D474,087
D503,320
D503,877
D511,507
D512,290
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D514,410
D515,317
D522,329
D551,665
D554,636
D555,649
D557,338

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20160249760
20110213399
20090149804
20090137859
20070277741
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20070267333
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20050242151
20050242150
20050077309

20040251590
20040245267
20040245266
20030182749
20020108952

APPENDIX D

Joel Delman | Expert Witness Testimony

*Geigtech East Bay LLC v. **Lutron Electronics Co., Inc.** (Trade Dress Infringement)*

Date of engagement: July, 2022

Southern District of NY, Case No. 1:18-CV-05290

Expert for Defendant, engaged by Arnold & Porter LLP

Trademark evaluation, Expert report, Deposition, Trial Testimony (Jury Trial, February 2024)

*Apple Inc. v. **Masimo Corporation** (Design Patent Infringement)*

Date of engagement: October, 2022

Central District of California, Case No. C.A. No. 22-1377-MN-JLH

Expert for Defendant, engaged by Knobbe, Martens, Olson & Bear, LLP

Patent evaluation, Expert declarations, Deposition

*Proslide Technology Inc. v. **Whitewater West Industries Ltd.** (Design Patent Infringement)*

Date of engagement: August, 2021

Middle District of Florida, Case No. 6:20-cv-02189-CEM-DCI

Expert for Defendant, engaged by Buchalter PC

Patent evaluation, Expert reports, Deposition, Trial testimony (Jury trial, November 2023)

*Facet Technologies, LLC v. **Lifescan, Inc.** (Utility Patent Infringement)*

Date of engagement: January, 2023

Central District of California, Case No. 2:22-cv-01717-MCS-MAR

Expert for Defendant Lifescan, Inc., engaged by Carter Ledyard & Milburn LLP

Patent evaluation, Expert reports, Deposition

***In the Matter of Certain Soft Projectile Launching Devices, Components Thereof, Ammunition, and Products Containing Same** (Utility Patent Infringement)*

Date of engagement: October, 2022

United States International Trade Commission Inv. No. 337-TA-1221

Expert for Defendant Daisy Manufacturing Company, engaged by Kirkland & Ellis LLP

Patent evaluation, Expert reports, Deposition, Trial testimony (ITC Hearing May 2023)

*Panasonic Corporation v. **Getac Technology Corporation** (Design Patent Infringement)*

Date of engagement: April, 2021

Central District of California, Case No. 8:19-cv-01118-DOC-DFM

Expert for Defendant, engaged by King & Spalding LLP

Deposition, Trial testimony (Jury trial, June 2022)

***Glam and Glits Nail Design Inc.** v. **iGel Beauty, LLC** (Design Patent, Trade Dress Infringement)*

Date of engagement: December, 2020

Central District of California, Case No. 8:20-cv-00088-JVS-DFM

Expert for Plaintiff, engaged by Lapple Ubell IP Law, LLP

Deposition

*Shure Inc. v. **ClearOne Inc.** (Design Patent Infringement)*

Date of engagement: May, 2020

District of Delaware, Case No. 19-1343 (RGA) CJB)

Expert for Defendant, engaged by Hueston Hennigan LLP

Multiple depositions, Trial testimony (Jury trial, November 2021)

In the Matter of Certain Electronic Stud Finders, Metal Detectors and Electrical Scanners
(Utility Patent Infringement)

Date of engagement: December, 2020
United States International Trade Commission Inv. No. 337-TA-1221
Expert for Plaintiff Zircon Corp., engaged by Palo Alto Legal Group
Deposition, Trial testimony (Bench trial, June 2021)

Town and Country Linen Corp. v Ingenious Designs LLC et al
(Design Patent Infringement, Trade Secret Misappropriation)

Date of engagement: January, 2020
Southern District of New York, Case No. 1:18-cv-05075-LGS
Expert for Defendant, engaged by Baker & Hostetler LLP
Deposition

Lanard Toys Ltd. v. Anker Play Products LLC *(Design Patent, Trade Dress, Copyright Infringement)*

Date of engagement: June, 2020
Central District of California, Case No. 2:19-cv-04350-RSWL-AFM
Expert for Defendant, engaged by Seyfarth Shaw LLP
Deposition

MGA Entertainment, Inc. v Zuru LLC *(Trade Dress Infringement)*

Date of engagement: January, 2020
California Superior Court, Case No. 19-chc-00599
Expert for Defendant, engaged by Dentons LLP
Deposition, Trial testimony (Bench trial, March 2020)

Rhino Metals Inc. v. Sturdy Gun Safe, Inc. *(Trade Dress and Design Patent Infringement)*

Date of engagement: August, 2019
Idaho District Court, Case No. 1:18-cv-00474-EJL
Expert for Defendant, engaged by Givens Pursley LLP
Deposition

LILLEbaby LLC v. BabySwede LLC et al *(Utility Patent Infringement)*

Date of engagement: June, 2019
In the Matter of Certain Child Carriers and Components Thereof
United States International Trade Commission Inv. No. 337-TA-1154
Ohio Northern District Court, Case No. 1:19-cv-00504-JG
Expert for Defendant, engaged by Dorsey & Whitney LLP
Deposition

Spigen Korea Co., LTD. v. Ultraproof, Inc. et al *(Design Patent Infringement)*

Date of engagement: August, 2018
California Central District Court, Case No. 2:17-cv-01161-DOC-DFM
United States Court of Appeals for the Federal Circuit, Case: 19-1435
Expert for Plaintiff, engaged by Lewis Brisbois Bisgaard & Smith LLP
Deposition

C&A Marketing, Inc. (dba Polaroid) v. GoPro Inc. *(Design Patent Infringement)*

Date of engagement: January, 2017
District Court of New Jersey, Case No. 1:15-7854-RMB-JS
Expert for Defense, engaged by Kilpatrick Townsend & Stockton LLP
Deposition

APPENDIX E

General Articles and Publications

Going In Blind: Redesigning the Next Generation Perkins Braille, Product Design & Development Magazine, November 11, 2010

Are Amazon, Netflix and Google Making Too Many Decisions for Us?, Forbes, November 24, 2010

Design in 2010: Four Emerging Trends in Technical Product Design, Engineering Exchange Magazine, April 5, 2010

4 Reasons Why 3D TV is Years Away from Adoption, MediaShift, May 18, 2010

Economic Recession Doesn't have to Halt Innovative Product Development, Design Manufacturing News, March 31, 2011

Cost vs. Quality: The Dangers of Outsourcing Design Overseas, Appliance Design Magazine, August 10, 2011

The Consumerization of Medical Products, Medical Product Outsourcing Magazine, August 31, 2011

Design that Transforms the Eating Experience, Bloomberg.com, January 5, 2012

The Los Angeles Perspective on CES: Guest Blogger CES 2013, LAObserved, January 2013

Does Design + Celebrity = Innovation? Innovation Excellence Magazine, March 12, 2013

Publications by Product Development Technologies Inc.

Asian Design: A Look at the Landscape, PDT Pulse June 2008

PDT Pulse: CES Trends 2013, February 2013

PDT Pulse: E3 Electronic Entertainment Expo Trends 2013, June 2013

PDT Pulse: CES Trends 2014, February 2014

PDT Pulse: E3 Electronic Entertainment Expo Trends 2014, June 2014

PDT Pulse: CES Trends 2015, February 2015

PDT Pulse: NAFEM Trends 2015, March 2015

PDT Pulse: E3 Electronic Entertainment Expo Trends 2015, June 2015

JOEL DELMAN | InformedInnovation

2176 W. 24th Street, Los Angeles, CA 90018 773.517.1862 joel@informedinnovationinc.com

PDT Pulse: Trends in Medical and Healthcare Solutions, August 2015

PDT Pulse: CES Trends 2016, February 2016

PDT Pulse: POC Medical Diagnostics Trends, April 2016

PDT Pulse: E3 Electronic Entertainment Expo, Virtual Reality Past, Present and Future, June 2016

PDT Pulse: CES Trends 2017, February 2017

PDT Pulse: E3 Electronic Entertainment Expo Trends 2017 June 2017

Speaking Engagements

The Future of Food Preparation, California State University Long Beach Duncan Anderson Lecture Series, November 10, 2011

Research as the Foundation to Great Design, Southern California Biomedical Council MedTech Design Forum, May 31, 2012

Design Patents and Defining the Article of Manufacture: An Expert Witness Plays Devil's Advocate; Orange County Intellectual Property Law Association, April 19 2018.

Design Patents and Defining the Article of Manufacture: An Expert Witness Plays Devil's Advocate; CLE Webinar for The TASA Group, February 21, 2019.

The Good, The Bad and The Ugly: How Recent Design Patent Cases Impact Design Protection; Webinar for IDSA, August 25, 2020

Legal Contracts for Designers: (Almost) Everything You Need to Know; Presentation at the IDSA International Design Conference, September 17, 2020

Interviews

Delivering Realizable Solutions Through Informed Innovation, Market News First (MN1), March 9, 2007

How are you Influencing ER and Surgical Devices?, Medical Design Technology Magazine, November 17, 2010

Live from the Medical Design and Manufacturing Expo: The Latest Trends in Medical Devices, CBS Los Angeles Newsradio KNX10.70, February 2015

Navigating CES and Passenger Experience Trends, Airline Passenger Experience Association, January 8 2016

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Design Mysteries with Bruce Hannah
Apple Podcast, January 2022