

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DYSON TECHNOLOGY LIMITED AND DYSON, INC.,
Petitioners,

v.

OMACHRON INTELLECTUAL PROPERTY INC.,
Patent Owner.

Case No. IPR2024-00670
U.S. Patent No. 8,607,407

**PATENT OWNER'S SUR-REPLY IN SUPPORT
OF ITS PRELIMINARY RESPONSE**

TABLE OF CONTENTS

	<u>Page</u>
PATENT OWNER’S EXHIBIT LIST	ii
TABLE OF ABBREVIATIONS	iii
I. PETITIONERS CONSTRUE “DOOR” OUT OF CONTEXT.....	1
II. THE INTRINSIC AND EXTRINSIC EVIDENCE ON THE MEANING OF “DOOR” DO NOT SUPPORT PETITIONERS	2

PATENT OWNER'S EXHIBIT LIST

Exhibit No.	Description
2001	Merriam-Webster (merriam-webster.com) definition of “door”

TABLE OF ABBREVIATIONS

Abbreviation	Term
'407 Patent	U.S. Patent No. 8,607,407 (Ex1001)
Beskow	U.S. Patent Publication No. 2008/0040883 to Beskow
Butler	PCT Publication No. 2007/084543 to Butler et al.
Challenged Claims	Claims 1–25 of U.S. Patent No. 8,607,407
Conrad335	U.S. Patent Publication No. 2007/0209335 to Conrad
Fig.	Figure
IPR	<i>inter partes</i> review
IPVG	U.K. Patent No. GB283,179 to Inventia Patent-Verwertungs-Gesellschaft
Jianan	Chinese Patent Publication No. 101,061,932 to Jianan
Khalil	U.S. Patent Publication No. 2006/0156508 to Khalil
Martelliere	French Patent No. 1,094,603 to Martelliere
Patent Owner	Omachron Intellectual Property Inc.
Petitioners	Dyson Technology Limited and Dyson, Inc.
POPR	Patent Owner Preliminary Response, Paper 7 (Jun. 21, 2024)
POSITA	person[s] of ordinary skill in the art
Reply	Petitioners' Reply to Patent Owner's Preliminary Response, Paper 8 (Jul. 31, 2024)

Pursuant to the Board's authorization, Patent Owner provides the following Sur-Reply responding to Petitioners' arguments regarding claim interpretation.

I. PETITIONERS CONSTRUE "DOOR" OUT OF CONTEXT

All challenged claims require a "dirt collection chamber having an openable door, the front wall comprising the openable door." In its Preliminary Response, Patent Owner explained that the Martelliere and Butler references do not disclose the claimed "openable door" to a dirt collection chamber. See POPR, 12, 17–20. Petitioners incorrectly represent Patent Owner's argument as a construction of "door" in the abstract: that a "door" must "swing[] or slide[] to open" and that "a door is not something that must be entirely removed to open." Reply, 1.

Instead, with respect to Martelliere, Patent Owner explained that the "dirt collection chamber" identified by Petitioners (cup-shaped container *a*) is detachable in its entirety and has no "front wall," and thus there is no "front wall comprising [an] openable door" to a "dirt collection chamber." POPR, 11–12. And, with respect to Butler, Patent Owner explained that a fully removable bottom wall is not an "openable door" on a front wall. *Id.*, 18–19. Neither of these arguments turn on a construction of "door" in the abstract to be limited to something that must swing or slide to open.

Patent Owner cited a dictionary definition offering one definition of "door" to be "a usually swinging or sliding barrier by which an entry is closed and opened."

See POPR, 19 n.2 (citing Ex2002). This definition supports the plain language of the claims, which recites an “*openable* door” that is on a front wall. A POSITA would have understood an “*openable* door” as one that can be opened by swinging, sliding, or some other means (*e.g.*, rotating). *Id.*, 11–12, 18–19.

This understanding of the full claim language (and not the word “door” in the abstract) is supported by the specification. For example, the specification contrasts a door that is “opened, *e.g.*, pivoted open,” and one that is further “removable.” Ex1001, 7:11–12. This is exemplified by the embodiments in Figs. 5A–5B, in which “front wall 158 is pivotably mounted to the cyclone unit wall 115 at pivots 177 and serves as an openable door 158 of the dirt chamber 124, such that dirt collection chamber is openable.” *Id.*, 7:15–20, Fig. 5A. The embodiment later explains that “openable door 158 may be removed from vacuum cleaner 100.” *Id.*, 7:33–34, Fig. 5B. In other words, according to the patent, the door of the dirt collection chamber is “openable” because it is “pivotably mounted, and although the “openable door” may further be removed, in no examples in the patent does “removability” alone make a door “openable.” Thus, based on this intrinsic evidence, a bottom wall in Butler that screws off and on entirely is not an “openable door” as claimed.

II. THE INTRINSIC AND EXTRINSIC EVIDENCE ON THE MEANING OF “DOOR” DO NOT SUPPORT PETITIONERS

Dyson’s purported intrinsic and extrinsic evidence does not support its position that a “door” is anything that can be removed. For example, claim 9 does

not affect the conclusion that an “*openable* door” is a door that is mounted and pivots, swings, slides, or uses a similar mechanism to open. Claim 9 simply recites that the “door” (which in claim 1 is already defined as “openable”) may further be removed—much like the pivoting door in Figs. 5A–5B of the ’407 Patent.

Petitioners’ resort to the specification fares no better. Petitioners argue that the specification “expressly allow[s] for means [of opening] other than pivoting or sliding, and including removal in its entirety.” This misstates Patent Owner’s argument. Patent Owner did not argue that a door *must* pivot or slide, but simply provided those as examples of how a door may open; it could also swing or use a similar mechanism. But in no instance in the specification is a door described as “openable” only because it is entirely removable.

With respect to extrinsic evidence, Petitioners neither explain why the dictionary definition Patent Owner cited is incorrect nor provide an alternative dictionary definition. Reply, 2–3. Petitioners’ reliance on other patents to inventor Wayne Conrad also fails. None of those patents address the specific claim limitation at issue here—an “openable door” on a front wall to a dirt collection chamber. For example, the quoted portion of the ’034 Patent describes an “openable *end*,” not an “openable *door*” as in the ’407 Patent, and is thus inapposite. Although the “openable end” in the ’034 Patent “may [be] held in place by a friction fit,” the ’034 Patent never says that a “door” is openable because it is removable.

Patent Owner's Sur-Reply in Support of Its Preliminary Response
U.S. Patent No. 8,607,407

DATED: August 13, 2024

Respectfully Submitted,

/Brian M. Buroker/

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

Attorney for Patent Owner

CERTIFICATE OF SERVICE

The undersigned certifies service pursuant to 37 C.F.R. § 42.120 of a copy of this Patent Owner's Sur-Reply in Support of Its Preliminary Response and supporting materials upon Petitioners by email on August 13, 2024, to the following email addresses of record:

DysonIPR@kirkland.com
christian.huehns@kirkland.com
matt.hershkowitz@kirkland.com
jay.emerick@kirkland.com
bhailes@kirkland.com

DATED: August 13, 2024

By: /Brian M. Buroker/

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

Attorney for Patent Owner