

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. IPR2024-00854
U.S. Patent No. 10,478,030

PATENT OWNER'S PRELIMINARY RESPONSE

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TABLE OF ABBREVIATIONS

Abbreviation	Term
'030 patent	U.S. Patent No. 10,478,030 (Ex1001)
Butler	PCT Publication No. 2007/084543 to Butler et al.
Challenged Claims	Claims 1–13 of U.S. Patent No. 10,478,030
Fig.	Figure
IPR	<i>inter partes</i> review
Lehmann	U.K. Patent No. GB194,963 to Lehmann
Neroni	U.S. Patent No. 4,473,923 to Neroni et al.
Patent Owner	Omachron Intellectual Property Inc.
Peter	Swiss Patent No. CH203,675 to Peter
Petitioners	Dyson Technology Limited and Dyson, Inc.
POSITA	person[s] of ordinary skill in the art

I. INTRODUCTION

Patent Owner Omachron Intellectual Property Inc. provides the following Preliminary Response to the Petition filed by Dyson Technology Limited and Dyson, Inc. requesting *inter partes* review of claims 1–13 of U.S. Patent No. 10,478,030.

Petitioners had the burden of showing that there is a reasonable likelihood that it would prevail with respect to at least one of the challenged claims. 35 U.S.C. § 314(a). Petitioners did not meet that burden. Although Petitioners asserted that the claims are a “mish-mash of claimed configurations” that were “well-known,” none of Petitioners’ references—whether part of an anticipatory or obviousness-based ground—disclose or render obvious the required configuration of an electrical connector with electrical cables extending rearward through the air treatment member, required in all of the Challenged Claims. Pet. at 1. Petitioners’ failure to identify this feature in *any* prior art reference, or to show a compelling reason it would have been obvious to a POSITA, dooms their challenge.

Anticipation requires that a prior art reference “must not only disclose all elements of the claim within the four corners of the document, but must also disclose those elements arranged as in the claim.” *Net MoneyIn, Inc. v. Verisign, Inc.*, 545 F.3d 1359, 1369 (Fed. Cir. 2008). Because Petitioners failed to identify at least one limitation in each Challenged Claim being present in the asserted art—notably, the electrical connector and electrical cable limitations—the anticipation ground fails.

Petitioners' obviousness grounds fare no better. For obviousness, a Petition must provide, with particularity, rationale to combine the teachings of the cited art and establish "whether the relevant skilled artisan had a motivation to combine pieces of prior art in the way eventually claimed in the patent at issue." *Intercontinental Great Brands LLC v. Kellogg N. Am. Co.*, 869 F.3d 1336, 1343 (Fed. Cir. 2017). Petitioners did not provide any such rationale. At best, Petitioners relied on hindsight bias to argue that a combination of references still somehow renders obvious the Challenged Claims. But hindsight bias cannot be "the thread that stitches together prior art patches into something that is the claimed invention." *Metalcraft of Mayville, Inc. v. The Toro Co.*, 848 F.3d 1358, 1367 (Fed. Cir. 2017). Petitioners' obviousness grounds therefore fail as well.

Petitioners provided cursory and, at times, illogical discussion of the asserted prior art references with respect to each element, often merely reproducing the language of a particular claim element and declaring that the element is met by the reference without reason or explanation. *See Netflix, Inc. v. DivX, LLC*, 84 F.4th 1371 (Fed. Cir. 2023) ("Ultimately, it is the petitioner's burden to present a clear argument."). Petitioners therefore did not meet their burden of explaining "with particularity" the "evidence that supports the grounds for the challenge to each claim." 35 U.S.C. § 312(a)(3); *see also Intelligent Bio-Systems, Inc. v. Illumina Cambridge Ltd.*, 821 F.3d 1359, 1369 (Fed. Cir. 2016).

For at least these reasons and those set forth below, Petitioners failed to show a reasonable likelihood of success on any Challenged Claim, and the Board should deny institution of IPR.

II. CLAIM CONSTRUCTION

A claim subject to IPR shall be construed using the same standard as in a civil action. 37 C.F.R. § 42.100(b). The Board need only construe terms “to the extent necessary to resolve the controversy.” *Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co.*, 868 F.3d 1013, 1017 (Fed. Cir. 2017). At this stage, Patent Owner does not submit any terms for construction. Patent Owner reserves the right to subsequently submit claim terms for construction should the Board institute IPR.

III. LEVEL OF ORDINARY SKILL IN THE ART

Solely for the purpose of this Preliminary Response, Patent Owner does not challenge Petitioners’ proposed definition of a POSITA. Patent Owner reserves the right to provide an alternative definition of a POSITA if IPR is instituted.

IV. TECHNICAL BACKGROUND

A. Summary of the '030 Patent

The '030 patent is directed to a “type of stick vacuum cleaner wherein a hand vacuum cleaner is removably mounted to a drive handle and provides motive power to draw dirty air into the surface cleaning head.” Ex1001, 1:16–20.

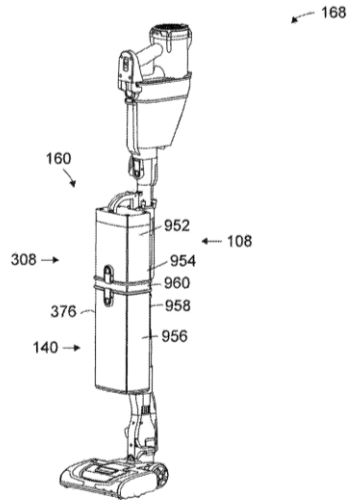


FIG. 82

Id., Fig. 82. The '030 patent improves the prior art by providing an electrical connection between “an upstream attachment (e.g. a surface cleaning head)” and a “source of power.” *Id.*, 34:39–59.

B. Overview of Asserted References

1. Butler

Butler is a 2007 PCT publication that details several distinct embodiments of a specialized “Stair Cleaning Vacuum.” Ex1005, Title. Butler discusses various existing solutions such as “upright and canister vacuum cleaners,” “stick vacuums,” and “compact hand-held vacuums,” and concludes that there “exists a need for an improved vacuum cleaner” specifically adapted for cleaning “raised” surfaces, and “particularly stair treads and risers.” *Id.*, 1:5–24, 3:10–16. Two distinct embodiments from Butler—one associated with Figure 2A and the other with Figure 5—are shown below.

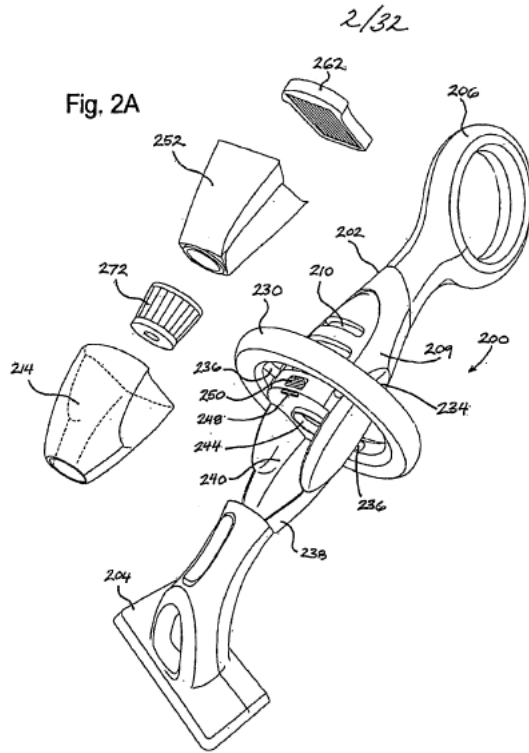
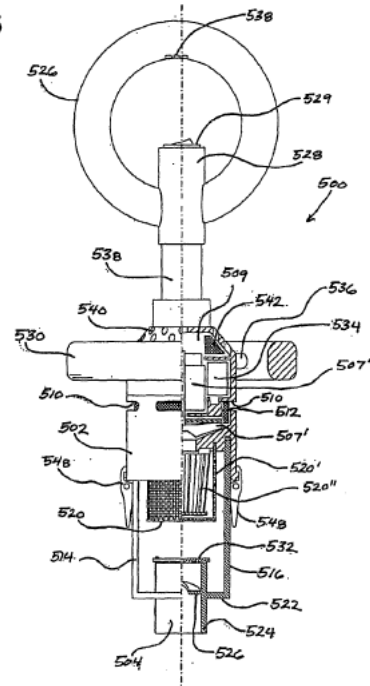


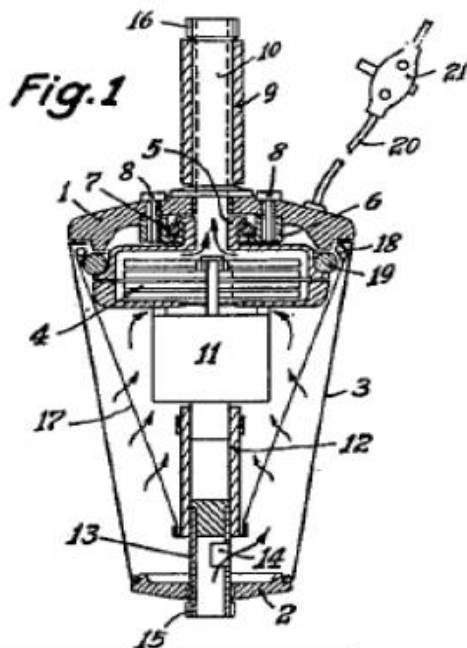
Fig. 5



Id., Figs. 2A, 5.

2. Peter

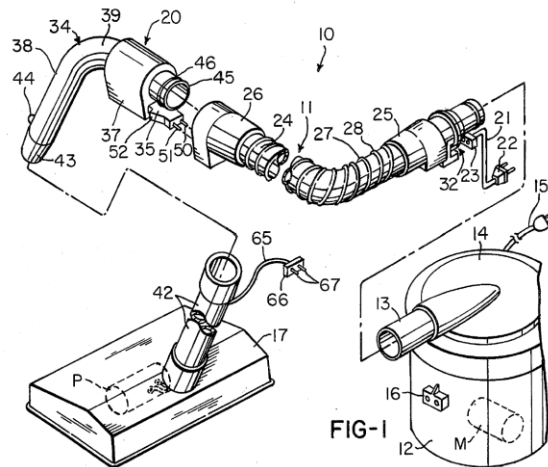
Peter is a 1939 Swiss patent for a vacuum cleaner having “suction nozzles and suction brushes that can be connected to the vacuum cleaner housing both directly and with the interposition of tubular and articulated parts so that they can be rotated, individually exchanged and combined with one another.” Ex1007, 1.



Id., Fig. 1.

3. Neroni

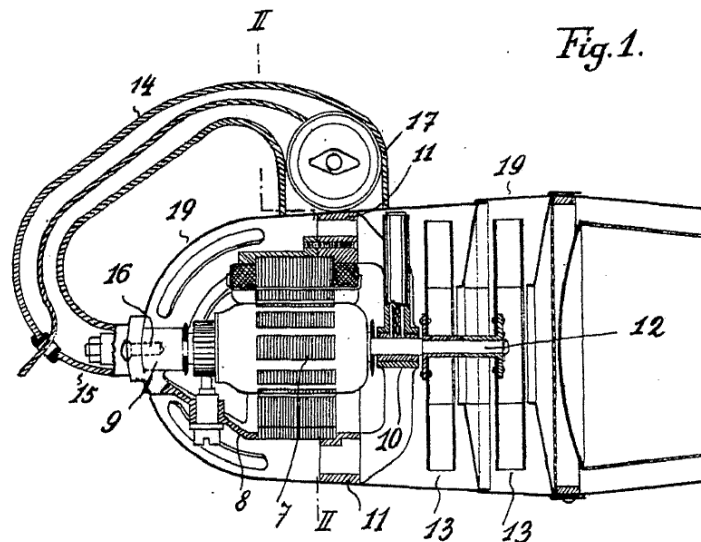
Neroni is a 1984 U.S. patent for a “Vacuum Cleaning Tool Adapter with Electrical Control Means.” Ex1008, Title. Neroni describes a “cainster or tank type” of vacuum cleaner with a “hose assembly [that] is attached to the tank at one end” and attached to “a powered cleaning tool” at the other end. *Id.*, 1:6–17. Neroni describes a “female power receptacle 16 disposed on the outside surface of its tank 12” that is used to “supply electrical power through the hose assembly 11 into the adapter 20, and then to motor P of the power cleaning tool 17.” *Id.*, 3:34–49.



Id., Fig. 1.

4. Lehmann

Lehmann is a 1923 U.K. patent for a corded “portable vacuum cleaner” with a “dust bag.” Ex1010, 1. Lehmann’s vacuum also includes a handle that is “joined to the motor frame, which supports the casing.” *Id.*, 2.



Id., Fig. 1.

V. SPECIFIC GROUNDS OF UNPATENTABILITY

A. Butler Does Not Anticipate Challenged Claims 1–13 (Ground 1)

1. Butler does not disclose “the rigid wand outlet end having an air outlet and an outlet end electrical connector” [1b.3]/[9b.3]

All asserted claims require that the rigid wand outlet end has “an outlet end electrical connector.” Petitioners failed to meet their burden of showing that Butler discloses this element.

Specifically, the Petition did not identify any disclosure in Butler that teaches “an outlet end electrical connector” as recited. Petitioners merely state that a “POSA would understand that Butler teaches” such an electrical connector and cite to Butler’s disclosure of providing electrical power to various powered attachments. That superficial disclosure is limited to two sentences: “[I]f a powered attachment is provided, suitable power leads can be provided to connect the powered attachment to the electric circuit. These leads may pass around or through the dirt receptacle, or may be integrated into the dirt receptacle body.” Ex1005, 22:10–13. This scant disclosure relied on by Petitioners fails to disclose the recited configuration of an outlet end electrical connector or, as discussed below, a hand vacuum cleaner electrical connector that is releasably connectable with the outlet end electrical connector. Notably, Butler does not disclose the placement of any electrical connectors (at the rigid wand outlet end or, as discussed below, the front end of the air treatment member), because Butler does not disclose electrical connectors at all.

Petitioners instead attempt to manufacture disclosure in Butler, asserting that “Butler’s ‘entry tube 524’ includes an electrical connector adjacent to the hand vacuum cleaner air inlet to connect to ‘power leads’ and provide power to Butler’s powered attachment.” Pet., 27 (citing Ex1005, 22:6–11 and Ex1002, ¶ 106). That portion of Butler, reproduced in its entirety below, discloses nothing about an electrical connector, much less where the connector is located or its purpose.

It will be appreciated that any type of cleaning device may be attached to the entry tube 524, such as an elongated cleaning head as shown in the previous embodiments, a crevice tool, a dusting attachment, a so-called powerhead having a rotating agitator, and so on. Of course, if a powered attachment is provided, suitable power leads can be provided to connect the powered attachment to the electric circuit. These leads may pass around or through the dirt receptacle, or may be integrated into the dirt receptacle body.

Ex1005, 22:6–11. The cited portion of Mr. Giachetti’s declaration admitted that this disclosure is not actually in Butler, but that his unsupported opinion was that “a POSA would understand” that Butler would include such a connector. Ex1002, ¶ 106. Mr. Giachetti cited to nothing other than the same portion of Butler reproduced above and provides no explanation or additional support for his assertion.

Thus, Petitioners have not met their burden of showing that any of the Challenged Independent Claims are anticipated by Butler under Ground 1.

2. **Butler does not disclose “a hand vacuum cleaner electrical connector provided on the front end of the air treatment member adjacent the hand vacuum cleaner air inlet, the hand vacuum cleaner electrical connector is releasably**

connectable with the outlet end electrical connector”
[1c.iv]/[9c.iv]

Additionally, all asserted claims require “a hand vacuum cleaner electrical connector provided on the front end” of the vacuum cleaner (*e.g.*, on the front end of the air treatment chamber) and that the “hand vacuum cleaner electrical connector is releasably connectable with the outlet end electrical connector.” Petitioners failed to meet their burden of showing that Butler discloses these elements.

The Petition failed to identify any disclosure in Butler that teaches that an electrical connector is provided at the front end of the air treatment chamber, as recited. As explained above, Butler’s disclosure with respect to providing electrical power to various attachments is minimal. Butler merely states that “if a powered attachment is provided, suitable power leads can be provided to connect the powered attachment to the electric circuit.” Pet., 39 (citing Ex1005, 22:5–11). But this disclosure does not teach an *electrical connector provided on the front end*. Although power leads may be connected to an electrical connector, power leads themselves are cables or wires. Petitioners acknowledge this distinction, and argue, without support, that a POSITA “would understand that Butler’s ‘entry tube 524’ includes an electrical connector provided on the front end of the cyclone separator *to connect to* ‘power leads.’” Pet., 39 (emphasis added). Thus, a disclosure of “power leads,” without more, does not teach an electrical connector provided on the front end. Furthermore, even if one were to assume that the power leads of Butler

necessarily included an electrical connector, Butler is silent as to where this “electrical connector” would be located with respect to the “dirt receptacle body” of Butler.

Mr. Giachetti's conclusory expert declaration merely states that a POSITA “would understand that Butler's ‘entry tube’ includes an electrical connector provided on the front end of the cyclone separator to connect to ‘power leads’ and power Butler's powered attachment.” Ex1002, ¶ 146. No text or figures in Butler support this naked assertion. As discussed above, Butler discloses nothing about an electrical connector for the “powered attachments,” much less anything about this connector being included in the “entry tube” (or anywhere else on the front end of Butler's dirt receptacle body).

Finally, the Petition states that “a POSA would understand that the hand vacuum cleaner electrical connector is releasably engageable with the rigid wand outlet end electrical connector to provide electrical circuitry to Butler's powered attachments, because Butler teaches a releasably engageable connector/vacuum tube.” Pet. 40 (citing to the Petition's discussion of Limitations [1c]/[9c]). Petitioners failed to explain how a releasably engageable “connector 1702,” which Petitioners assert is “Butler's rigid air flow conduit,” discloses a hand vacuum cleaner electrical connector that is “releasably connectable with the [rigid wand]

outlet end electrical connector” as claimed, particularly when Butler does not even teach or suggest any electrical connectors of any kind.

3. Butler does not anticipate Challenged Dependent Claims 2–8, and 10–13

Because Butler fails to anticipate independent claims 1 and 9 of the '030 patent, Butler necessarily fails to anticipate dependent claims 2–8 and 10–13, which depend on independent claims 1 and 9, respectively. As such, Petitioners have failed to demonstrate a reasonable likelihood of success on any claim in Ground 1.

B. Butler Does Not Render Obvious Challenged Claims 1–13 (Ground 2)

Tacitly acknowledging holes in its anticipation arguments based on Butler, Petitioners turn to the doctrine of obviousness to attempt to plug those holes. But Petitioners' arguments are driven by impermissible hindsight. *See KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 421 (2007) (“A factfinder should be aware, of course, of the distortion caused by hindsight bias and must be cautious of arguments reliant upon ex post reasoning.”). Petitioners provide conclusory statements about the modifications they propose being “obvious to try” and the alleged advantages or motivations to modifying Butler in such ways. Petitioners, however, use the claim language itself as a motivation to modify Butler—not any motivation from other references in the art or from the common sense of a POSITA, or even any other motivation consistent with *KSR*'s instruction to look to the “need or problem known

in the field of endeavor at the time of invention and addressed by the patent.” *Id.* at 420.

To support its proposed rationales for modifying Butler, Petitioners cite the declaration of Mr. Giachetti (Ex1002). However, these paragraphs also make conclusory statements about simple modifications that were allegedly obvious to try and alleged advantages without providing any explanation for such conclusory statements.

“[K]nowledge of a problem and motivation to solve it are entirely different from motivation to combine particular references” or to modify a particular reference in view of the knowledge of a POSITA. *Innogenetics, N.V. v. Abbott Labs.*, 512 F.3d 1363, 1373 (Fed. Cir. 2008). Petitioners fall into the trap of, at best, identifying problems in Butler that require solving, but they come up short in identifying a motivation to solve such problems in the ways required by the Challenged Claims.

1. **Butler does not render obvious “the rigid wand outlet end having an air outlet and an outlet end electrical connector” [1b.3]/[9b.3] or “a hand vacuum cleaner electrical connector provided on the front end of the air treatment member adjacent the hand vacuum cleaner air inlet, the hand vacuum cleaner electrical connector is releasably connectable with the outlet end electrical connector” [1c.iv]/[9c.iv]**

As discussed above, Butler not only fails to disclose any electrical connectors for “powered attachments,” but it also provides no teachings regarding where the

nondisclosed electrical connectors may be located. Petitioners use the '030 patent and the Challenged Claims as a guide to cure these deficiencies. Petitioners cite no objective evidence (other than parroting Mr. Giachetti's conclusory declaration) in support of their assertion that not only would using a connector to power the attachments be obvious to a POSITA, but so too would placing the connector exactly where the claims require the connector to be. *See* Pet., 55–56 (citing the same single paragraph of Butler and four paragraphs of Mr. Giachetti's expert declaration to support the conclusion that a POSITA “would have been motivated to place an electrical connector on entry tube 524, at a location on the front end of the cyclone separator provided at a location adjacent the hand vacuum cleaner air inlet, and aligned with and connected to a rigid air flow conduit electrical connector when the hand vacuum cleaner is mounted to the rigid air flow conduit, which would have a corresponding rigid air flow conduit electrical connector.”).

For this Ground, Petitioners do not cite a single reference (either as part of a combination with Butler or as a background reference) showing an electrical connector on the front end of the air treatment chamber. Petitioners assume that the claimed solution of the '030 patent would be the only way to position an electrical connector in Butler, but this argument ignores feasible alternatives to a connector on the front wall, such as running an electrical cable to a top wall, bottom wall, or sidewall. It is established law that “where the prior art gave either no indication of

which parameters were critical or no direction as to which of many possible choices is likely to be successful,” it is erroneous to equate “obvious to try” with obviousness—which is exactly what Petitioners did here. *In re Kubin*, 531 F.3d 1351, 1359 (Fed. Cir. 2009) (citing *In re O’Farrell*, 853 F.2d 894, 903 (Fed. Cir. 1988)). Butler does not identify any details regarding connecting powered attachments, and Petitioners did not cite to any such details known in the art—the Petitioners resorted instead to filling in these holes in Butler’s disclosure with improper hindsight.

Thus, Petitioners have not met their burden of showing that any of the Challenged Independent Claims are rendered obvious by Butler under Ground 2.

2. Butler does not render obvious Challenged Dependent Claims 2–8 and 10–13

Because Butler fails to render obvious independent claims 1 and 9 of the ’030 patent, Butler necessarily fails to render obvious dependent claims 2–8 and 10–13, which depend on independent claims 1 and 9, respectively. As such, Petitioners have failed to demonstrate a reasonable likelihood of success on any claim in Ground 2.

C. Peter in View of Neroni Does Not Render Obvious Challenged Claims 1–13 (Ground 3)

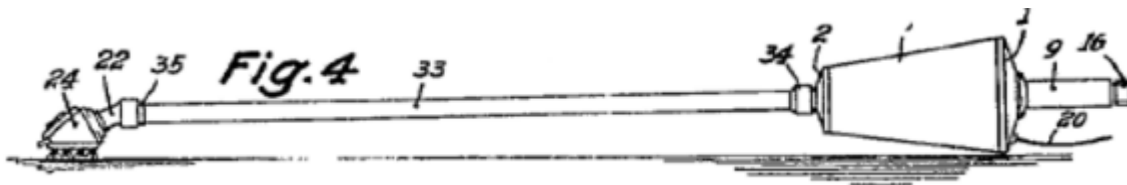
1. Petitioners have not shown that a POSITA would have been motivated to combine Peter and Neroni

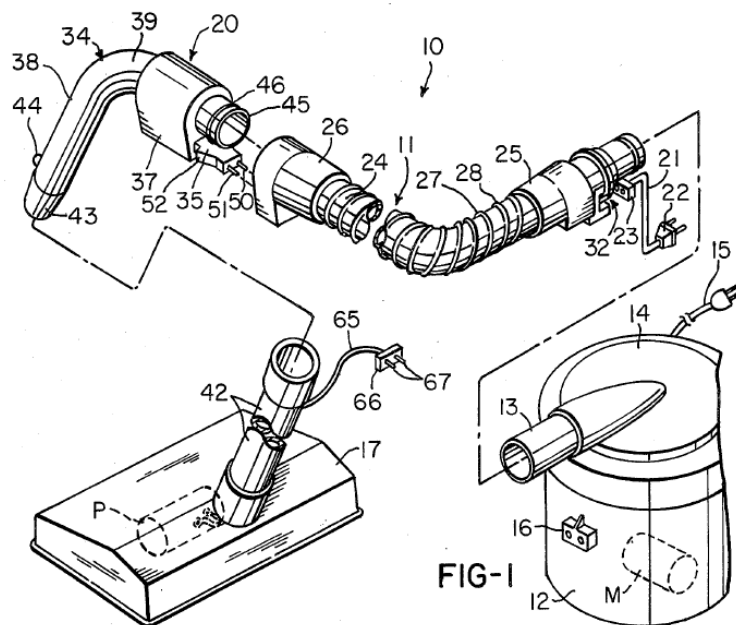
Petitioners provided conclusory statements about simple substitution and alleged advantages of modifying Peter based on Neroni's disclosure without providing any explanation for such conclusory statements. For example, Petitioners claim that "[a] POSA would've been motivated to use a powered cleaning tool with Peter (either by modifying Peter's suction 'accessory' ('suction piece' and 'pipe angle'), or by using a separate powered cleaning tool) and to incorporate Neroni's teachings of a power cleaning tool adaptor," and that "[a] POSA would have understood that powered cleaning tools improve cleaning certain surfaces." Pet., 60. Petitioners additionally asserted that a "POSA would have understood the well-known benefits of a powered floor tool and would have been motivated to incorporate Neroni's electrical system into Peter to achieve these benefits." *Id.* Petitioners' conclusory arguments on motivations to combine Peter and Neroni should be given no weight.

Even if Petitioners' rationales to combine Peter and Neroni are substantively considered, Petitioners did not meet their burden of showing a motivation to combine the references. To the contrary, as explained below, there are several reasons—ignored by Petitioners—that a POSITA would not have been motivated to

combine the teachings of Peter and Neroni. A petitioner must show “whether there was an apparent reason to combine the known elements in the fashion claimed by the patents at issue.” *KSR Int’l*, 550 U.S. at 420 (citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)). Petitioners failed to do so here.

Peter and Neroni are directed to different types of vacuum cleaners, each solving different problems with their respective vacuum cleaners. As explained by Petitioners, Peter (below, top) is directed to “a hand/stick vacuum cleaner from 1939.” *Pet.*, 57 (citing Ex1007, Fig. 4). Peter seeks to improve such vacuum cleaners by providing interchangeable parts (such as “suction nozzles and suction brushes”) that can be “rotated, individually exchanged and combined with one another.” Ex1007, 1. Neroni (below, bottom), by contrast, is directed to a “canister or tank type” vacuum with a flexible hose. Ex1008, 1:7–9. Neroni solves the problem of using the power unit for the canister vacuum to provide power to cleaning tools at the end of the flexible hose. *Id.*, 1:52–59.





Ex1007, Fig. 4 (top); Ex1008, Fig. 1 (bottom).

Each of Petitioners' alleged rationales for combining Peter and Neroni are merely conclusory statements with no explanation for why the combination is a simple substitution, why the advantages of the electrical connector on the tank of a canister vacuum as taught by Neroni apply to the stick vacuum of Peter, or why the substitutions would improve the vacuum of Peter.

To support these alleged rationales for combining the electrical connector on the tank of a canister vacuum as taught by Neroni with Peter's stick vacuum, Petitioners cite Mr. Giachetti's declaration (Ex1002). However, these paragraphs similarly make conclusory statements about simple substitution and alleged advantages without providing any explanation for such conclusory statements. For example, neither Petitioners nor Mr. Giachetti address why a POSITA, reading

Peter—which makes no mention of electric tools—would have been motivated to implement an entirely additional feature that allows electrical power to be provided to an electrical tool as taught by Neroni.

Thus, Petitioners have not met their burden of showing that the Challenged Claims were obvious in view of Peter in combination with Neroni under Ground 3.

2. The Peter and Neroni combination does not render obvious limitations [1b.3]/[9b.3] or [1c.iv]/[9c.iv] regarding the outlet end and hand vacuum cleaner “electrical connector[s]” and their placement

As explained above, all Challenged Claims require (1) a rigid wand having an outlet end electrical connector, (2) a hand vacuum cleaner electrical connector provided at the front end of the air treatment member, and (3) that the hand vacuum electrical connector is releasably connectable with the outlet end electrical connector. Petitioners failed to show that the combination of Peter and Neroni renders obvious these limitations.

Petitioners failed to explain why a POSITA would have been motivated to apply Neroni's teachings to Peter's stick vacuum. Petitioners make only conclusory statements that a “POSA would've been motivated to implement Neroni's ‘power receptacle 16’ on the front end of Peter's air treatment member adjacent the hand vacuum cleaner air inlet.” Pet., 78. Petitioners' hindsight-driven argument here uses the claim language as a map. *KSR*, 550 U.S. at 421. Peter makes no mention at all of using powered tools, and yet Petitioners provide conclusory statements about how

a POSITA would have been motivated to implement Neroni's power receptacle in Peter. Petitioners do not explain how or why a POSITA would be motivated to implement a powered tool solution within Peter's system based on Peter's disclosure.

Thus, Petitioners have not met their burden of showing that any of the Challenged Independent Claims are rendered obvious by the Peter and Neroni combination under Ground 3.

3. The Peter and Neroni combination does not render obvious Challenged Dependent Claims 2–8 and 10–13

Because Peter in view of Neroni fails to disclose independent claims 1 and 9 of the '030 patent, the Peter and Neroni combination necessarily fails to disclose dependent claims 2–8 and 10–13, which depend on independent claims 1 and 9, respectively. As such, Petitioners have failed to demonstrate a reasonable likelihood of success on any claim in Ground 3.

D. The Peter, Neroni, and Lehmann Combination Does Not Render Obvious Challenged Claims 1–13 (Ground 4)

1. Petitioners do not address each element of the Challenged Claims 1–13

Ground 4 only addresses claims 1, 5, 9, and 12. Pet., 112–19. Nowhere does Ground 4 purport to address or cite to any discussion of the Challenged Claims 2–4, 6–8, 10–11, or 13, including by reference to earlier portions of its Petition. *See id.* Petitioners' citation to the cursory discussion in Mr. Giachetti's declaration of the

alleged motivations to combine Peter, Neroni, and Lehmann and of claims 1, 5, 9, and 12 fails to cure this fatal deficiency. This is critical with respect to an obviousness theory because it is not clear to Patent Owner which references Petitioners rely on for each limitation.

Furthermore, nothing in the proposed combination of Peter, Neroni, and Lehmann cures the issues described above with respect to the electrical connectors. Thus, for the same reasons as explained with respect to Ground 3, Ground 4 fails.

Thus, Petitioners have not shown that the Peter, Neroni, and Lehmann combination renders the Challenged Claims obvious.

2. Petitioners have not shown that a POSITA would have been motivated to combine Peter, Neroni, and Lehmann

Petitioners provide conclusory statements about simple substitution and alleged advantages of modifying Peter without providing any explanation for such conclusory statements. Petitioners failed to address how Neroni would be implemented within the combination or to reference or cite to any discussion of Neroni at all. For example, Petitioners simply claim that “[a] POSA would’ve been motivated to modify Peter’s handle having a hand grip portion, Peter’s ‘exhaust nozzle 10’ having ‘rubber grip 9,’ to have an ‘arched’ shape as Lehmann teaches.” Pet., 92. Each of Petitioners’ alleged rationales are conclusory statements with no explanation for why the combination is a simple substitution, why the advantages of

an “arched” handle as taught by Lehmann would apply to the vacuum of Peter, or why the substitutions would improve the vacuum of Peter.

In fact, Lehmann’s discussion of its “arched handle 14” specifies that “the important feature” of joining the handle to the motor frame is that the handle is “not, as heretofore, joined to a case supporting the motor and fan, but is joined to the motor frame, which supports the casing.” Ex1010, 1:63–2:6. The shape and attachment of the handle allows the “handle, motor and fan [to be] combined to form a structure which supports the casing 19 of th appliance,” such that “the casing 19, 21 has no heavy portions of the apparatus to support, and more particularly no rotating, vibrating portions” to support. *Id.*, 1:92–87. Petitioners ignore this disclosure in Lehmann and provide no explanation or discussion of how or why a POSITA would have been motivated by this specific handle, having a specific attachment and purpose, in Lehmann to modify Peter’s handle, focusing only on the shape of Lehmann’s handle without any regard for why Lehmann’s handle is shaped in this way.

To support these alleged rationales, Petitioners cite Mr. Giachetti’s declaration (Ex1002). However, these paragraphs also make conclusory statements about simple substitution and alleged advantages without providing any explanation for such conclusory statements.

As such, Petitioners have failed to demonstrate a reasonable likelihood of success on any claim in Ground 4.

VI. CONCLUSION

For the foregoing reasons, Petitioners have not met their burden of showing a reasonable likelihood that at least one of the Challenged Claims is unpatentable, and institution of *inter partes* review should be denied.

DATED: August 13, 2024

Respectfully Submitted,

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CERTIFICATION UNDER 37 C.F.R. § 42.24(d)

Under the provisions of 37 C.F.R. § 42.24(d), the undersigned attorney hereby certifies that this document complies with the type-volume limitations of 37 C.F.R. § 42.24(b). The word count of the foregoing Patent Owner's Preliminary Response is 4,421, according to the word count tool in Microsoft Word.

DATED: August 13, 2024

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CERTIFICATE OF SERVICE

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

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