IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MHL CUSTOM, INC., Plaintiff, v. WAYDOO USA, INC. and SHENZHEN WAYDOO INTELLIGENCE TECHNOLOGY CO., LTD., Defendants.	)	Case No.: 1:21-cv-00091-RGA

DEFENDANT'S DISCLOSURE OF
INITIAL INVALIDITY CONTENTIONS

In accordance with the scheduling order entered in this case (ECF No. 19), defendant Shenzhen Waydoo Intelligence Technology Co., Ltd. ("Waydoo" or "Defendant"), by its undersigned attorneys, hereby discloses its initial invalidity contentions to plaintiff MHL Custom, Inc. ("MHL" or "Plaintiff").

Waydoo contends that each claim of U.S. Patent No. 9,359,044 ("the '044 patent") and each claim of U.S. Patent No. 9,586,659 ("the '659 patent") is invalid for at least the reasons stated below. These contentions are based on information reasonably available to Waydoo at this time.

Subject to applicable rules, Waydoo reserves the right to amend and/or supplement these contentions based on, without limitation, any amendments or supplements to MHL's complaint. Waydoo further reserves the right to amend and/or supplement these contentions based on any documents, information, or things received from or produced to MHL during discovery.

The Court has not yet construed any of the '044 patent's or the '659 patent's claim terms.

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Waydoo reserves the right to amend and/or supplement these contentions based on the Court's constructions. These contentions shall not be interpreted as (i) an adoption of any particular claim scope or construction, (ii) an admission that any particular claim limitation requires construction, or (iii) an admission that any particular claim language constitutes a substantive claim limitation.

Further, the information provided by Waydoo in connection with these contentions does not constitute a waiver with respect to any information protected from discovery by the attorney-client privilege, the work-product doctrine, Federal Rule of Civil Procedure 26(b)(4), any other applicable rule, or which is otherwise immune from discovery. Any inadvertent disclosure of privileged or immune information will not constitute a waiver of privilege. *See, e.g.*, Fed. R. Civ. P. 26(b)(5)(B); Fed. R. Evid. 502(b).

I. The '044 Patent's and the '659 Patent's Claims are Anticipated and/or Rendered Obvious by the Prior Art

Each of the '044 patent's and the '659 patent's claims are invalid under 35 U.S.C. § 102 and/or 35 U.S.C. § 103 because the prior art anticipates and/or renders them obvious.

A. Exemplary Prior-Art References

The following tables do not exhaustively list invalidating prior-art references, but rather contain exemplary invalidating prior-art references.

1. U.S. Patent Documents

Description	Production Nos.
U.S. Patent No. 2,110,812	WD003002
U.S. Patent No. 2,451,781	WD003005
U.S. Patent No. 2,748,400	WD003009
U.S. Patent No. 2,812,736	WD003017

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Description	Production Nos.
U.S. Patent No. 2,815,518	WD003021
U.S. Patent No. 2,840,832	WD003028
U.S. Patent No. 2,891,259	WD003031
U.S. Patent No. 2,931,332	WD003034
U.S. Patent No. 3,019,760	WD003044
U.S. Patent No. 3,105,249	WD003048
U.S. Patent No. 3,150,632	WD003051
U.S. Patent No. 3,164,119	WD003056
U.S. Patent No. 3,213,822	WD003062
U.S. Patent No. 3,227,123	WD003067
U.S. Patent No. 3,254,622	WD003077
U.S. Patent No. 3,262,413	WD003080
U.S. Patent No. 3,265,027	WD003089
U.S. Patent No. 3,294,055	WD003096
U.S. Patent No. 3,324,822	WD003100
U.S. Patent No. 3,340,845	WD003106
U.S. Patent No. 3,371,646	WD003109
U.S. Patent No. 3,380,421	WD003116
U.S. Patent No. 3,405,677	WD003121
U.S. Patent No. 3,456,613	WD003124
U.S. Patent No. 3,536,025	WD003127
U.S. Patent No. 3,548,778	WD003133
U.S. Patent No. 3,702,106	WD001534
U.S. Patent No. 3,747,138	WD003142
U.S. Patent No. 3,882,815	WD003150
U.S. Patent No. 3,958,522	WD001545

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Description	Production Nos.
U.S. Patent No. 3,964,417	WD003155
U.S. Patent No. 4,020,782	WD003170
U.S. Patent No. 4,274,357	WD003174
U.S. Patent No. 4,389,195	WD001552
U.S. Patent No. 4,508,046	WD003182
U.S. Patent No. 4,857,026 ("*Hull*")	WD001557
U.S. Patent No. 4,971,586	WD003195
U.S. Patent No. 4,985,006	WD001563
U.S. Patent No. 5,017,166	WD003203
U.S. Patent No. 5,062,378	WD003208
U.S. Patent No. 5,080,621	WD001569
U.S. Patent No. 5,100,354	WD004597
U.S. Patent No. 5,168,824	WD001582
U.S. Patent No. 5,213,535 ("*Richens*")	WD004610
U.S. Patent No. 5,249,998	WD004617
U.S. Patent No. 5,309,859	WD001592
U.S. Patent No. 5,471,942	WD003216
U.S. Patent No. 5,544,607 ("*Rorabaugh*")	WD001613
U.S. Patent No. 5,582,529	WD001631
U.S. Patent No. 5,616,060	WD001661
U.S. Patent No. 5,673,641	WD001675
U.S. Patent No. 5,791,957	WD001689
U.S. Patent No. 5,809,926	WD003242
U.S. Patent No. 5,860,841	WD001696
U.S. Patent No. 5,947,788	WD003258
U.S. Patent No. 6,019,059	WD003274

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Description	Production Nos.
U.S. Patent No. 6,073,569	WD001714
U.S. Patent No. 6,139,383	WD001740
U.S. Patent No. 6,142,840	WD003289
U.S. Patent No. 6,178,905	WD003296
U.S. Patent No. 6,183,333	WD001759
U.S. Patent No. 6,192,817	WD003320
U.S. Patent No. 6,210,242	WD001773
U.S. Patent No. 6,254,649	WD001802
U.S. Patent No. 6,311,631	WD003327
U.S. Patent No. 6,394,864	WD001817
U.S. Patent No. 6,409,560	WD003333
U.S. Patent No. 6,443,786	WD004630
U.S. Patent No. 6,443,787	WD004658
U.S. Patent No. 6,551,157	WD001822
U.S. Patent No. 6,568,340	WD003341
U.S. Patent No. 6,581,537	WD001829
U.S. Patent No. 6,669,519	WD001870
U.S. Patent No. 6,692,321	WD001881
U.S. Patent No. 6,702,634	WD003352
U.S. Patent No. 6,736,689	WD001888
U.S. Patent No. 6,767,265	WD001900
U.S. Patent No. 6,786,785	WD004969
U.S. Patent No. 6,790,109	WD001916
U.S. Patent No. 6,901,872	WD003362
U.S. Patent No. 6,948,441	WD001927
U.S. Patent No. 7,034,696 ("*Ehlers*")	WD004874

Description	Production Nos.
U.S. Patent No. 7,047,901	WD003367
U.S. Patent No. 7,089,875	WD003376
U.S. Patent No. 7,144,285	WD001939
U.S. Patent No. 7,156,713	WD004741
U.S. Patent No. 7,207,282	WD003381
U.S. Patent No. 7,232,350	WD001966
U.S. Patent No. 7,232,355 ("*Woolley*")	WD001991
U.S. Patent No. 7,298,056	WD003399
U.S. Patent No. 7,314,014	WD002044
U.S. Patent No. 7,731,555	WD003415
U.S. Patent No. 7,819,074	WD002067
U.S. Patent No. 7,832,349	WD003245
U.S. Patent No. 7,854,637	WD003440
U.S. Patent No. 7,887,381	WD002073
U.S. Patent No. 7,930,985	WD003457
U.S. Patent No. 7,963,814	WD003482
U.S. Patent No. 8,113,895	WD002091
U.S. Patent No. 8,166,898	WD002111
U.S. Patent No. 8,636,552	WD002116
U.S. Patent No. 8,702,458	WD003490
U.S. Patent No. 8,727,824	WD002127
U.S. Patent No. 8,763,551	WD002134
U.S. Patent No. 8,870,614	WD003505
U.S. Patent No. 8,900,022	WD002164
U.S. Patent No. 8,932,094	WD002170
U.S. Patent No. 8,944,440	WD002175

Description	Production Nos.
U.S. Patent No. 9,060,385	WD003544
U.S. Patent No. 9,102,386	WD002190
U.S. Patent No. 9,150,295	WD002203
U.S. Patent No. 9,475,559	WD002243
U.S. Patent No. RE 28,955	WD004263
U.S. Patent Application Publication No. 2001/007235	WD003575
U.S. Patent Application Publication No. 2001/042498	WD003601
U.S. Patent Application Publication No. 2002/056408	WD003623
U.S. Patent Application Publication No. 2002/072285	WD003625
U.S. Patent Application Publication No. 2002/124783	WD003646
U.S. Patent Application Publication No. 2003/167991 ("*Namanny*")	WD002270
U.S. Patent Application Publication No. 2004/139905	WD003678
U.S. Patent Application Publication No. 2005/090166	WD004884
U.S. Patent Application Publication No. 2005/109258	WD003687
U.S. Patent Application Publication No. 2006/094310	WD003706
U.S. Patent Application Publication No. 2007/046028	WD003714
U.S. Patent Application Publication No. 2007/089657	WD003730
U.S. Patent Application Publication No. 2007/218787	WD002280
U.S. Patent Application Publication No. 2007/245943	WD003748
U.S. Patent Application Publication No. 2007/283865	WD003762
U.S. Patent Application Publication No. 2008/078316	WD003771
U.S. Patent Application Publication No. 2008/168937	WD003786
U.S. Patent Application Publication No. 2008/173225	WD003800
U.S. Patent Application Publication No. 2009/165690	WD003808
U.S. Patent Application Publication No. 2009/221198	WD003830
U.S. Patent Application Publication No. 2010/167605	WD003843

Description	Production Nos.
U.S. Patent Application Publication No. 2010/233920	WD003860
U.S. Patent Application Publication No. 2011/003521	WD003883
U.S. Patent Application Publication No. 2011/056423	WD003901
U.S. Patent Application Publication No. 2011/201238	WD003916
U.S. Patent Application Publication No. 2011/212691	WD003930
U.S. Patent Application Publication No. 2011/256518	WD003941
U.S. Patent Application Publication No. 2012/000409	WD003950
U.S. Patent Application Publication No. 2012/073486	WD003981
U.S. Patent Application Publication No. 2012/225598	WD003990
U.S. Patent Application Publication No. 2013/059489	WD004021
U.S. Patent Application Publication No. 2013/104787	WD004065
U.S. Patent Application Publication No. 2013/239861	WD004083
U.S. Patent Application Publication No. 2013/247807	WD002291
U.S. Patent Application Publication No. 2014/007802	WD004098
U.S. Patent Application Publication No. 2014/017963	WD002324
U.S. Patent Application Publication No. 2014/134900	WD004107
U.S. Patent Application Publication No. 2014/349531	WD004139
U.S. Patent Application Publication No. 2015/011133	WD004149
U.S. Patent Application Publication No. 2015/064995	WD004193
U.S. Patent Application Publication No. 2015/083034	WD004206
U.S. Patent Application Publication No. 2015/251734	WD004237

2. International Patent Documents

Description	Production Nos.
PCT Application No. WO 80/02015	WD004938
PCT Application No. WO 2005/105572	WD002341
PCT Application No. WO 2006/014085	WD004272

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Description	Production Nos.
PCT Application No. WO 2006/066494	WD002375
PCT Application No. WO 2007/088351	WD004312
PCT Application No. WO 2009/154349	WD002409
PCT Application No. WO 2009/155672	WD002421
PCT Application No. WO 2011/050410	WD004338
PCT Application No. WO 2011/075808	WD002434
PCT Application No. WO 2011/100654	WD004371
PCT Application No. WO 2011/130724	WD004394
PCT Application No. WO 2012/003333	WD004411
PCT Application No. WO 2013/173182	WD004459
PCT Application No. WO 2013/191501	WD004507
European Patent Document No. EP0025793	WD001350
European Patent Document No. EP2666708	WD001351
European Patent Document No. EP2700571	WD002602
European Patent Document No. EP2731863	WD001374
European Patent Document No. EP3046834	WD001395
Foreign Patent Document No. AU652929	WD004566
Foreign Patent Document No. CH591358	WD002520
Foreign Patent Document No. CN201347194	WD004798
Foreign Patent Document No. CN202264871	WD002523
Foreign Patent Document No. DE 10 2004 029 296	WD001343
Foreign Patent Document No. DE 10 2004 049 615	WD002541
Foreign Patent Document No. DE 10 2013 218 735	WD002559
Foreign Patent Document No. DE19731950	WD001328
Foreign Patent Document No. DE 20 2012 012 844	WD002576
Foreign Patent Document No. DE2313644	WD001257
Foreign Patent Document No. DE29518878	WD001332

Description	Production Nos.
Foreign Patent Document No. DE4100890	WD002529
Foreign Patent Document No. DE9207189	WD001317
Foreign Patent Document No. FR2376672	WD001418
Foreign Patent Document No. FR2420476	WD001427
Foreign Patent Document No. FR2728863	WD002879
Foreign Patent Document No. FR2755090	WD002884
Foreign Patent Document No. FR2766154	WD002892
Foreign Patent Document No. FR2945025	WD002507
Foreign Patent Document No. FR2978420	WD001450
Foreign Patent Document No. GB2091646	WD001489
Foreign Patent Document No. JP2012025293	WD002903
Foreign Patent Document No. JP4607460	WD001499
Foreign Patent Document No. KR200468015	WD001524
Foreign Patent Document No. KR20140024816	WD002919

3. Non-Patent Documents

Description	Production Nos.
S. Dangoor et al., *Human Powered Hydrofoil Bike Pontoon Floatation*, California Polytechnic State University (June 7, 2013), http://digitalcommons.calpoly.edu/mesp/156	WD001201
D. Graham-Rowe, *Human-Powered Hydrofoil Seeks Jumpy Riders*, New Scientist (May 23, 2005), https://www.newscientist.com/article/dn7414-human-powered-hydrofoil-seeks-jumpy-riders	WD001239
Hydrofoiling History, Hydrofoil.org, http://hydrofoil.org/history.html (last visited Sept. 23, 2021)	WD005352
The NEWS Letter, International Hydrofoil Society (2011), https://foils.org/wp-content/uploads/2017/09/2011_IHS_Newsletter-1.pdf	WD005295

Description	Production Nos.
"Pacificmeister," *The History Of Weight Shift Controlled Electric Hydrofoils*, Foil.zone (Nov. 29, 2017), https://foil.zone/t/the-history-of-weight-shift-controlled-electric-hydrofoils/742	WD000071
M. Hanlon, *The Quadrofoil: Ecologically-Sound Electric Hydrofoil Sportscar For The Water*, New Atlas (May 17, 2012), https://newatlas.com/quadrofoil-electric-hydrofoil-watercraft/22560	WD001242

4. Multimedia Materials

Description	Production Nos.
"Nick Leason," *LiFt.... Feb 2012.mov*, YouTube.com (Feb. 5, 2012), https://www.youtube.com/watch?v=c9XCJCwUCbU	WD004561
"Trevyn Newpher," *OBK Lift Board Testing*, YouTube.com (Apr. 21, 2012), https://www.youtube.com/watch?v=Re6Qe1oQHVI	WD000069
"Trevyn Newpher," *Lift Foil Board Part 2*, YouTube.com (May. 2, 2012), https://www.youtube.com/watch?v=7TfPv1DM3A8	WD000065
"Alfred duPont," *MHL Foil and 2012 North Rebel 11*, YouTube.com (Jun. 21, 2012), https://www.youtube.com/watch?v=X5ni05s7vOQ	WD000067
"KiteTheBay," *Kitesurfing on a Foil Board*, YouTube.com (Nov. 23, 2012), https://www.youtube.com/watch?v=bhD7oaB9Zxk	WD000063
"Michael Leason," *MHL - Lift Foil*, YouTube.com (Jun. 8, 2013), https://www.youtube.com/watch?v=7UP4DW2S_xM	WD000066
"Trevyn Newpher," *OBK Foil Boarding*, YouTube.com (Oct. 13, 2013), https://www.youtube.com/watch?v=MfXdp9Sl4KQ	WD000068
"Nick Leason," *Lift Hydrofoil Kiteboarding Foilboarding Kitesurfing Expo 2013*, YouTube.com (Dec. 20, 2013), https://www.youtube.com/watch?v=A12D9L8fpqc	WD004560
"Jay Crawford," *Foil Puerto Rico with MHL "Lift" available at www.mhlcustom.com...*, YouTube.com (Feb. 6, 2014), https://www.youtube.com/watch?v=FTq4TQEB1Xc	WD000060
"Jay Crawford," *Foilboarding in warm green/blue waters... MHL Custom "Lift" and Naish Park 12m...*, YouTube.com (Feb. 13, 2014), https://www.youtube.com/watch?v=4INsEV4FO_Q	WD000061

Description	Production Nos.
"Ben Corbett," *Kite Hydrofoil Big Air with Ben Corbett*, YouTube.com (Aug. 20, 2014), https://www.youtube.com/watch?v=x39V2SAglbk	WD000062
"Greg Lloyd," *Learning to Foil on the MHL Lift foilboard*, YouTube.com (Sep. 2, 2014), https://www.youtube.com/watch?v=dJNdV7Y9bfo	WD000064
"Marco Calbucci," *Slingshot MHL Foil Fun Session*, YouTube.com (Dec. 13, 2014), https://www.youtube.com/watch?v=96kFPP40HE4	WD000070
"foilfreak," *hydrofoil and kneeboard archives*, YouTube.com (Oct. 5, 2006), https://www.youtube.com/watch?v=NZHfko73vS0	WD004805
"brucewainwright," *7-29-11 bruce on hydrofoil.avi*, YouTube.com (Aug. 3, 2011), https://www.youtube.com/watch?v=ozMDd73ptyE	WD004795
"David Ursell," *Hydrofoil + Wakeboard behind safety boat*, YouTube.com (Apr. 22, 2012), https://www.youtube.com/watch?v=OtPb4jfLlqg	WD004804

5. The Evolo Project

The following table contains exemplary materials related to the Evolo project ("Evolo" or "Evolo Project"), which was undertaken in 2009 and earlier by students at the KTH Royal Institute of Technology's Centre for Naval Architecture, located in Stockholm, Sweden.

Description	Production Nos.
F. Bender Daniel et al., *Evolo Final Report*, KTH Royal Institute of Technology (2009), http://flygmac7.flyg.kth.se/cdio/old_projects/evolo ("Evolo Report")	WD000650 (Original); WD000099 (English machine translation)
Å. Bonthelius, *High Mode*, Båtnytt (Sept. 2009), ("Evolo Article")	WD000089 (Original); WD005347 (Original); WD000093 (Certified English translation); WD005376 (English Machine translation)

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Description	Production Nos.
"Joacimwe," *Evolo student project*, YouTube.com (Oct. 23, 2008), https://www.youtube.com/watch?v=3vcR4d8hAB0	WD004549
"Mikael Razola," *Evolo*, YouTube.com (Oct. 30, 2008), https://www.youtube.com/watch?v=aC4hmwukYBE	WD004551
"Mikael Razola," *Evolo*, YouTube.com (Oct. 30, 2008), https://www.youtube.com/watch?v=wPO8wgPYhQc	WD004552
"Mikael Razola," *Evolo*, YouTube.com (Oct. 30, 2008), https://www.youtube.com/watch?v=YNVyaxVZBbs	WD004553
"Mikael Razola," *Evolo*, YouTube.com (Oct. 30, 2008), https://www.youtube.com/watch?v=magDokF1M-s	WD004554
"Mikael Razola," *Evolo*, YouTube.com (Oct. 30, 2008), https://www.youtube.com/watch?v=DvwW3DRCIGA	WD004555
"Mikael Razola," *Evolo*, YouTube.com (Oct. 30, 2008), https://www.youtube.com/watch?v=kMJZ6dEaKuw	WD004556
"Mikael Razola," *Evolo*, YouTube.com (Oct. 30, 2008), https://www.youtube.com/watch?v=GePxIhR9AuE	WD004557
"Mikael Razola," *Evolo*, YouTube.com (Oct. 30, 2008), https://www.youtube.com/watch?v=K4pf0CFNDHU	WD004558
"A. Lundell," *project evolo*, YouTube.com (Nov. 13, 2008), https://www.youtube.com/watch?v=8Se92ykqC6g	WD004564
"A. Lundell," *Evolo - 2:a Experimentet!*, YouTube.com (Nov. 18, 2008), https://www.youtube.com/watch?v=FMhUiNtSK80	WD004542
"A. Lundell," *evolo experiment 4*, YouTube.com (Dec. 1, 2008), https://www.youtube.com/watch?v=thgdqujzzNc	WD004544
"A. Lundell," *Evolo experiment 5 - Crash 1*, YouTube.com (Dec. 7, 2008), https://www.youtube.com/watch?v=-CUol_zqc3A	WD004545
"A. Lundell," *Project Evolo*, YouTube.com (Jan. 22, 2009), https://www.youtube.com/watch?v=W45pdr9_B9c	WD004563
"KTHpainsidan," *Evolo*, YouTube.com (Feb. 17, 2009), https://www.youtube.com/watch?v=1tj_iRdjY-o	WD004559
"A. Lundell," *Making of handles*, YouTube.com (Mar. 2, 2009), https://www.youtube.com/watch?v=q_LxNRbpd0w	WD004562

Description	Production Nos.
"A. Lundell," *Evolo - testinjicering*, YouTube.com (Apr. 7, 2009), https://www.youtube.com/watch?v=aBJQLphlrLQ	WD004543
"A. Lundell," *project evolo VT09*, YouTube.com (Apr. 13, 2009), https://www.youtube.com/watch?v=3thzc-C5mAU	WD004563
"A. Lundell," *evolo vt09*, YouTube.com (Apr. 13, 2009), https://www.youtube.com/watch?v=bMSwgZSf10s	WD004550
"A. Lundell," *Test run - the new Torqeedo 4.0 R installed on Evolo!!!*, YouTube.com (Apr. 29, 2009), https://www.youtube.com/watch?v=fKOQ0JwQnjc	WD004824
"A. Lundell," *Evolo prototype run*, YouTube.com (May. 5, 2009), https://www.youtube.com/watch?v=a-_OCN50aWo	WD004548
"Jakob Kuttenkeuler," *Evolo movie*, YouTube.com (Jun. 11, 2009), https://www.youtube.com/watch?v=zL9fO8tFl18	WD004546
"Mikael Razola," *Evolo Official Release*, YouTube.com (Jun. 12, 2009), https://www.youtube.com/watch?v=new3GMMC0qI	WD004547
Evolo Project Archive, Internet Archive (Aug. 26, 2012), http://web.archive.org/web/20120826201915/http://www.evolo.se/evolo/evolo.se.html	WD004814
Evolo Project Specs Archive, Internet Archive (Aug. 12, 2010), http://web.archive.org/web/20100812155158/http://www.evolo.se/evolo/Specs.html ("Evolo Specs")	WD004796
Propulsion Technology, Torqeedo.com (last visited Sept. 27, 2021), https://www.torqeedo.com/us/en-us/technology-and-environment/propulsion-technology.html ("Torqeedo Technology")	WD004817
Outboard – Cruise 4.0 R, Torqeedo.com (last visited Sept. 27, 2021), https://www.torqeedo.com/us/en-us/products/outboards/cruise/cruise-4.0-r/M-1232-00.html	WD004807
Cruise R/T Operating Instructions, Torqeedo.com (last visited Sept. 27, 2021), https://media.torqeedo.com/downloads/manuals/torqeedo-cruise-RT-manual-DE-EN.pdf	WD004825

B. Exemplary Prior-Art Invalidity Arguments

The following arguments do not represent all prior-art invalidity arguments, but rather

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represent exemplary prior-art invalidity arguments.

1. Each of the '044 Patent's Claims Is Invalid Over the Evolo Project Materials Alone and/or In Combination With *Namanny*

The citations in the table below are not exhaustive, but rather are to exemplary portions of a reference or references that disclose a given claim element. Exemplary citations in the table below that reference a figure include all passages that describe any such figure.

No.	'044 Claim Element	Prior Art
1(a).	A passively stable, weight-shift controlled personal hydrofoil watercraft, comprising:	*E.g.*, Evolo Specs 1 (image reproduced below); Evolo Report 10, 332, 405, 421, 522, 529, 537–38, 550; Evolo Article 60. The Evolo Project is a passively stable, weight-shift controlled personal hydrofoil watercraft. 
1(b)(1).	a flotation device that has a fore-aft length greater than a lateral width,	*E.g.*, Evolo Report 5–6, 8, 162, 219–220, 333–34, 420, 425, 457, 474, 502, 521, 523–24, 530–31, 536, 539, 545, 549; Evolo Article 60–61, 63. The Evolo Project has a flotation device with a fore-aft length greater than its lateral width.
1(b)(2).	the flotation device having a top surface and a bottom surface, wherein a user can be disposed on the top surface of the flotation device in a prone, kneeling, or standing position,	*E.g.*, Evolo Report 5–6, 333, 537–38 ("To be able to steer in the desired way, the driver has the opportunity to stand or sit and lean in the desired direction."); Evolo Article 60–61. The claimed "a top surface and a bottom surface" are inherent to all flotation devices. Accordingly, the Evolo Project's flotation device has a top surface and a bottom surface. A user of the Evolo Project can be in at least a kneeling or standing position.

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No.	'044 Claim Element	Prior Art
1(b)(3).	the flotation device having a forward section, a middle section, and a rear section, and	*E.g.*, Evolo Report 5–6; Evolo Article 60–61. The claimed "a forward section, a middle section, and a rear section" are inherent to all flotation devices. Accordingly, the Evolo Project's flotation device has a forward section, a middle section, and a rear section.
1(b)(4).	the flotation device being controlled via weight shift of the user;	*E.g.*, Evolo Report 10, 332 ("the vehicle must . . . be able to be steered by means of a center of gravity shift"), 405 ("steering in motorcycle position was most easily experienced"), 421 ("The steering works within a narrow range by the driver shifting his center of gravity, utilizing his inertia and tilting the buoyancy body."), 522, 529, 537–38 ("To be able to steer in the desired way, the driver has the opportunity to stand or sit and lean in the desired direction."), 550; Evolo Article 60 ("You squat and stay in the aluminum frame where there is a small throttle, you control with your body weight."). The Evolo Project's flotation device is controlled via weight shift of the user.
1(c).	a strut having an upper end and a lower end, the upper end fixedly interconnected with the flotation device between the middle section and the rear section of the flotation device;	*E.g.*, Evolo Report 5–6, 9; Evolo Article 60, 62–63. The Evolo Project has a strut. The claimed a "upper end and a lower end" are inherent to all struts. Accordingly, the Evolo Project's strut has an upper end and a lower end. The upper end of the Evolo Project's strut is fixedly interconnected with the flotation device between the middle section and the rear section of the flotation device.
1(d)(1).	a hydrofoil fixedly interconnected with the lower end of the strut, the hydrofoil having no movable surface and	*E.g.*, Evolo Report 5–6, 9; Evolo Article 62–63. The Evolo Project has a hydrofoil fixedly interconnected with the lower end of its strut. The hydrofoil has no movable surface.

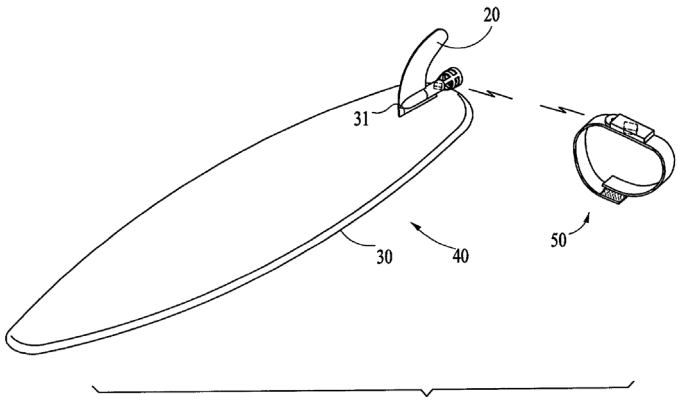
No.	'044 Claim Element	Prior Art
1(d)(2).	designed to provide passive static stability controlled solely by weight shift of the user;	*E.g.*, Evolo Report 10, 332 ("the vehicle must . . . be able to be steered by means of a center of gravity shift"), 405 ("steering in motorcycle position was most easily experienced"), 421 ("The steering works within a narrow range by the driver shifting his center of gravity, utilizing his inertia and tilting the buoyancy body."), 522, 529, 537–38 ("To be able to steer in the desired way, the driver has the opportunity to stand or sit and lean in the desired direction."), 550; Evolo Article 60 ("You squat and stay in the aluminum frame where there is a small throttle, you control with your body weight."). The Evolo Project's hydrofoil provides passive static stability controlled solely by weight shift of the user.
1(e).	a propulsion system for propelling the watercraft in a body of water, wherein the propulsion system is connected to the hydrofoil; and	*E.g.*, Evolo Report 5–6, 9; Evolo Article 62–63. The Evolo Project has a propulsion system connected to its hydrofoil.
1(f).	the watercraft having no movable steering system.	*E.g.*, Evolo Report 5–6, 9; Evolo Article 62–63. The Evolo Project has no movable steering system.
2.	A watercraft in accordance with claim 1, wherein the propulsion system comprises a battery, an electric motor, a motor speed controller, and a propulsor, the propulsor selected from a propeller, a ducted propeller, or a pump-jet.	*E.g.*, Evolo Report 5–6, 10–11; Evolo Article 60 ("Evolo is powered by an electric motor . . . ."), 62 ("The engine is located at the bottom of the keel and the batteries a little higher up."). The Evolo Project has a battery, an electric motor, a motor speed controller, and a propeller.
3.	A watercraft in accordance with claim 2, wherein the propulsor is disposed below the hydrofoil.	*E.g.*, Evolo Report 162, 169, 331, 333–34, 477, 521, 523–24, 528, 530–31, 536. The Evolo Project's propeller can be disposed below the hydrofoil.

No.	'044 Claim Element	Prior Art
4.	A watercraft in accordance with claim 1, wherein the propulsion system is integrated in a first hydrofoil wing of the hydrofoil and has an inlet near a leading end of the first hydrofoil wing and an outlet near a trailing edge of the first hydrofoil wing.	*E.g.*, Evolo Report 162, 169, 331, 333–34, 477, 521, 523–24, 528, 530–31, 536. The Evolo Project's propulsion system can be integrated in a hydrofoil wing, with an inlet near the leading end of the wing and an outlet near the trailing edge of the wing.
5.	A watercraft in accordance with claim 1, wherein the design for providing the passive static stability is achieved through a combination of airfoil design, planform design and tailoring of span-wise twist distribution.	*E.g.*, Evolo Report 5–6, 9; Evolo Article 60, 62–63. The Evolo Project's hydrofoil provides passive static stability through a combination of airfoil design, planform design, and tailoring of span-wise twist distribution.
6.	A watercraft in accordance with claim 1, wherein the hydrofoil is wing shaped with a front edge and a rear edge that both curve rearwardly.	*E.g.*, Evolo Report 261. The Evolo Project's hydrofoil can be wing shaped with front and rear edges that curve rearwardly.
7.	A watercraft in accordance with claim 1, wherein the hydrofoil is indirectly connected to the strut.	*E.g.*, Evolo Report 5–6, 162, 164–67, 169, 261. The Evolo Project's hydrofoil can be indirectly connected to its strut.
8.	A watercraft in accordance with claim 7, wherein the strut is directly connected to the propulsion system.	*E.g.*, Evolo Report 5–6, 162, 164–67, 169, 261. The Evolo Project's strut can be directly connected to its propulsion system.
9.	A watercraft in accordance with claim 8, wherein a first hydrofoil wing of the hydrofoil is indirectly connected to the strut through the propulsion system.	*E.g.*, Evolo Report 5–6, 162, 164–67, 169, 261. The Evolo Project's hydrofoil can be indirectly connected to the strut through the propulsion system.

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No.	'044 Claim Element	Prior Art
10.	A watercraft in accordance with claim 7, wherein the hydrofoil comprises a plurality of wings that are interconnected by way of a strut.	*E.g.*, Evolo Report 5–6, 162, 164–67, 169, 261. The Evolo Project's hydrofoil can comprise a plurality of wings that are interconnected by way of its strut.
11.	A watercraft in accordance with claim 2, wherein the battery and motor speed controller are contained in a waterproof compartment integrated into the flotation device.	*E.g.*, Evolo Report 8 ("The floating body . . . has room for batteries."), 10, 185 ("the wiring to the motor bulb . . . can be easily spliced and extended, which provides easy movement and separation of handles, control unit and motor"); Evolo Article 60, 62–63. The Evolo Project's battery and motor speed controller are (or can be) contained in a waterproof compartment in the flotation device.
12.	A watercraft in accordance with claim 2, wherein the electric motor is integrated into a waterproof, streamlined pod and the watercraft comprises a cooling system.	*E.g.*, Evolo Report 9 ("it was chosen to integrate the engine in the front support plane"), 10–11, 257–58, 503, 514; Evolo Article 60, 62–63. The Evolo Project contains a cooling system, and its electric motor is integrated into a waterproof, streamlined pod.
13.	A watercraft in accordance with claim 2, wherein the electric motor is removably interconnected with the hydrofoil through a fitting.	*E.g.*, Evolo Report 5–6, 162, 164–67, 169, 261. The Evolo Project's electric motor can be removably interconnected with the hydrofoil through a fitting.
14.	A watercraft in accordance with claim 10, wherein the first hydrofoil wing includes winglets extending at an angle to a main body of the first hydrofoil wing.	*E.g.*, Evolo Report 5–6, 9; Evolo Article 62–63. The Evolo Project has at least one hydrofoil wing that includes at least one winglet extending at an angle to a main body of the hydrofoil wing.

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No.	'044 Claim Element	Prior Art
15.	A watercraft in accordance with claim 11, further comprising a wireless handheld controller having a transmitter, and a throttle interface having a receiver, wherein the transmitter is adapted to send wireless signals to the receiver that cause an output of the propulsion system to change.	*E.g.*, *Namanny* Figs. 1–2 (reproduced below), 6–7, ¶¶ 14–15, 62. *Namanny* discloses a wireless remote control for controlling the speed of a motorized watercraft.  FIG. 2
16.	A watercraft in accordance with claim 1, wherein a first hydrofoil wing of the hydrofoil is directly connected to the strut.	*E.g.*, Evolo Report 5–6, 162, 164–67, 169, 261. The Evolo Project's hydrofoil can be directly connected to the strut.
17.	A watercraft in accordance with claim 1, wherein the hydrofoil is spaced a fixed distance apart from the flotation device.	*E.g.*, Evolo Report 5–6, 9; Evolo Article 62–63. The Evolo Project's hydrofoil is spaced a fixed distance from the flotation device.
18.	A watercraft in accordance with claim 15, wherein the strut has an internal passage and electrical wires extend from the electric motor to the waterproof compartment inside the strut through the internal passage for controlling the electric motor.	*E.g.*, Evolo Report 9–11; Evolo Article 62–63. The Evolo Project has a strut with an internal passage, through which electrical wires (for controlling the electric motor) extend from the electric motor to the waterproof compartment.

No.	'044 Claim Element	Prior Art
19.	A watercraft in accordance with claim 2, wherein the flotation device has a detector adapted to detect a user's presence on the flotation device and cease operation of the electric motor if the detector detects that the user is not on the flotation device.	*E.g.*, Evolo Report 31, 515; Evolo Article 60 ("It is also equipped with a dead man's grip."). The Evolo Project has a detector that causes it to cease operation of the electric motor if the detector detects that a user is not on the flotation device.
20.	A watercraft in accordance with claim 11, wherein the electric motor is a brushless motor.	*E.g.*, Evolo Report 9; Torqeedo Technology 2. The Evolo Project's electric motor is brushless.
21.	A watercraft in accordance with claim 1, wherein the propulsion system is directly or indirectly connected to the hydrofoil.	*E.g.*, Evolo Report 5–6, 9, 162, 164–67, 169, 261; Evolo Article 60, 62–63. The Evolo Project's propulsion system can be directly or indirectly connected to the hydrofoil.
22.	A watercraft in accordance with claim 21, wherein the hydrofoil is directly connected to the strut, and the strut is directly connected to the propulsion system.	*E.g.*, Evolo Report 5–6, 9, 162, 164–67, 169, 261; Evolo Article 60, 62–63. The Evolo Project's strut can be directly connected to the hydrofoil and the propulsion system.

As shown in the chart above, the Evolo Project materials alone and/or in combination with *Namanny* anticipates (under 35 U.S.C. § 102) and/or renders obvious (under 35 U.S.C. § 103) each claim of the '044 patent.

A person of ordinary skill in the art, at the time the '044 patent's alleged invention was made, would have found it obvious to combine the teachings of the Evolo Project materials with *Namanny*, and would have been motivated to do so. The combination of teachings from those references is merely (a) the combination of prior art elements according to known methods to yield predictable results, (b) the simple substitution of known elements for one another to obtain predictable results, (c) the use of known techniques to improve similar devices in the same way,

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(d) the application of known techniques to known devices ready for improvement to yield predictable results, (e) obvious to try; and/or (f) known to work in one field of endeavor prompting variations for use in either the same field or a different one based on design incentives or other market forces since the variations are predictable to one of ordinary skill in the art.

2. Each of the '659 Patent's Claims Is Invalid Over the Evolo Project Materials Alone and/or In Combination With *Namanny*

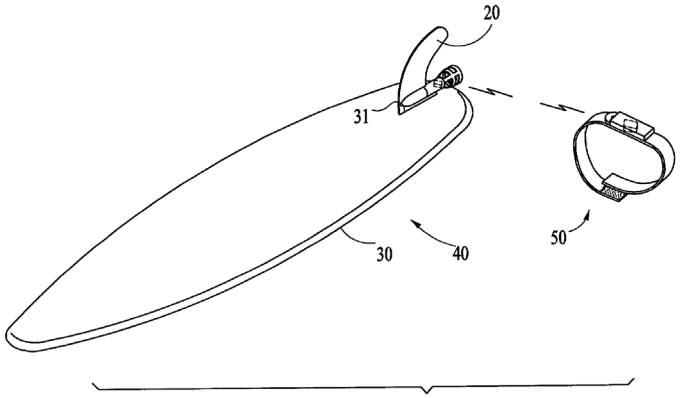
The citations in the table below are not exhaustive, but rather are to exemplary portions of a reference or references that disclose a given claim element. Exemplary citations in the table below that reference a figure include all passages that describe any such figure.

No.	'659 Claim Element	Prior Art
1(a).	A passively stable, weight-shift controlled personal hydrofoil watercraft, comprising:	*E.g.*, Evolo Specs 1 (image reproduced below); Evolo Report 10, 332, 405, 421, 522, 529, 537–38, 550; Evolo Article 60. The Evolo Project is a passively stable, weight-shift controlled personal hydrofoil watercraft. 
1(b)(1).	a flotation device that has a fore-aft length greater than a lateral width,	*E.g.*, Evolo Report 5–6, 8, 162, 219–220, 333–34, 420, 425, 457, 474, 502, 521, 523–24, 530–31, 536, 539, 545, 549; Evolo Article 60–61, 63. The Evolo Project has a flotation device with a fore-aft length greater than its lateral width.

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No.	'659 Claim Element	Prior Art
1(b)(2).	the flotation device having a top surface and a bottom surface, wherein a user can be disposed on the top surface of the flotation device in a prone, kneeling, or standing position,	*E.g.*, Evolo Report 5–6, 333, 537–38 ("To be able to steer in the desired way, the driver has the opportunity to stand or sit and lean in the desired direction."); Evolo Article 60–61. The claimed "a top surface and a bottom surface" are inherent to all flotation devices. Accordingly, the Evolo Project's flotation device has a top surface and a bottom surface. A user of the Evolo Project can be in at least a kneeling or standing position.
1(b)(3).	the flotation device having a forward section, a middle section, and a rear section;	*E.g.*, Evolo Report 5–6; Evolo Article 60–61. The claimed "a forward section, a middle section, and a rear section" are inherent to all flotation devices. Accordingly, the Evolo Project's flotation device has a forward section, a middle section, and a rear section.
1(c).	a strut having a upper end and a lower end, the upper end fixedly interconnected with the flotation device between the middle section and the rear section of the flotation device;	*E.g.*, Evolo Report 5–6, 9; Evolo Article 60, 62–63. The Evolo Project has a strut. The claimed a "upper end and a lower end" are inherent to all struts. Accordingly, the Evolo Project's strut has an upper end and a lower end. The upper end of the Evolo Project's strut is fixedly interconnected with the flotation device between the middle section and the rear section of the flotation device.
1(d).	a hydrofoil fixedly interconnected with the lower end of the strut, the hydrofoil having no movable surface;	*E.g.*, Evolo Report 5–6, 9; Evolo Article 62–63. The Evolo Project has a hydrofoil fixedly interconnected with the lower end of its strut. The hydrofoil has no movable surface.
1(e).	a propulsion system for propelling the watercraft in a body of water, wherein the propulsion system is connected to the hydrofoil; and	*E.g.*, Evolo Report 5–6, 9; Evolo Article 62–63. The Evolo Project has a propulsion system connected to its hydrofoil.
1(f).	the watercraft having no movable steering system.	*E.g.*, Evolo Report 5–6, 9; Evolo Article 62–63. The Evolo Project has no movable steering system.

No.	'659 Claim Element	Prior Art
2.	A watercraft in accordance with claim 1, wherein the propulsion system comprises a battery, an electric motor, a motor speed controller, and a propulsor, the propulsor selected from a propeller, a ducted propeller, or a pump-jet.	*E.g.*, Evolo Report 5–6, 10–11; Evolo Article 60 ("Evolo is powered by an electric motor . . . ."), 62 ("The engine is located at the bottom of the keel and the batteries a little higher up."). The Evolo Project has a battery, an electric motor, a motor speed controller, and a propeller.
3.	A watercraft in accordance with claim 2, wherein the propulsor is disposed below the hydrofoil.	*E.g.*, Evolo Report 162, 169, 331, 333–34, 477, 521, 523–24, 528, 530–31, 536. The Evolo Project's propeller can be disposed below the hydrofoil.
4.	A watercraft in accordance with claim 1, wherein the hydrofoil is indirectly connected to the strut.	*E.g.*, Evolo Report 5–6, 162, 164–67, 169, 261. The Evolo Project's hydrofoil can be indirectly connected to its strut.
5.	A watercraft in accordance with claim 4, wherein the strut is directly connected to the propulsion system.	*E.g.*, Evolo Report 5–6, 162, 164–67, 169, 261. The Evolo Project's strut can be directly connected to its propulsion system.
6.	A watercraft in accordance with claim 5, wherein a first hydrofoil wing of the hydrofoil is indirectly connected to the strut through the propulsion system.	*E.g.*, Evolo Report 5–6, 162, 164–67, 169, 261. The Evolo Project's hydrofoil can be indirectly connected to the strut through the propulsion system.
7.	A watercraft in accordance with claim 4, wherein the hydrofoil comprises a plurality of wings that are interconnected by way of a strut.	*E.g.*, Evolo Report 5–6, 162, 164–67, 169, 261. The Evolo Project's hydrofoil can comprise a plurality of wings that are interconnected by way of its strut.
8.	A watercraft in accordance with claim 2, wherein the battery and motor speed controller are contained in a watertight compartment integrated into the flotation device.	*E.g.*, Evolo Report 8 ("The floating body . . . has room for batteries."), 10, 185 ("the wiring to the motor bulb . . . can be easily spliced and extended, which provides easy movement and separation of handles, control unit and motor"); Evolo Article 60, 62–63. The Evolo Project's battery and motor speed controller are (or can be) contained in a waterproof compartment in the flotation device.

No.	'659 Claim Element	Prior Art
9.	A watercraft in accordance with claim 2, wherein the electric motor is integrated into a waterproof, streamlined pod and the watercraft comprises a cooling system for cooling the electric motor.	*E.g.*, Evolo Report 9 ("it was chosen to integrate the engine in the front support plane"), 10–11, 257–58, 503, 514; Evolo Article 60, 62–63. The Evolo Project's electric motor (i) is integrated into a waterproof, streamlined pod, and (ii) has a cooling system.
10.	A watercraft in accordance with claim 9, wherein the waterproof, streamlined pod is removably interconnected with the hydrofoil through a fitting.	*E.g.*, Evolo Report 5–6, 162, 164–67, 169, 261. The Evolo Project's electric-motor pod can be removably interconnected with the hydrofoil through a fitting.
11.	A watercraft in accordance with claim 8, further comprising a wireless handheld controller having a transmitter, and a throttle interface having a receiver, wherein the transmitter is adapted to send wireless signals to the receiver that cause an output of the propulsion system to change.	*E.g.*, *Namanny* Figs. 1–2 (reproduced below), 6–7, ¶¶ 14–15, 62. *Namanny* discloses a wireless remote control for controlling the speed of a motorized watercraft.  FIG. 2
12.	A watercraft in accordance with claim 1, wherein a first hydrofoil wing of the hydrofoil is directly connected to the strut.	*E.g.*, Evolo Report 5–6, 162, 164–67, 169, 261. The Evolo Project's hydrofoil can be directly connected to the strut.

No.	'659 Claim Element	Prior Art
13.	A watercraft in accordance with claim 8, wherein the strut has an internal passage and electrical wires extend from the electric motor to the watertight compartment inside the strut through the internal passage for controlling the electric motor.	*E.g.*, Evolo Report 9–11; Evolo Article 62–63. The Evolo Project has a strut with an internal passage, through which electrical wires (for controlling the electric motor) extend from the electric motor to the waterproof compartment.
14.	A watercraft in accordance with claim 13, wherein the flotation device has a detector adapted to detect a user's presence on the flotation device and cease operation of the electric motor if the detector detects that the user is not on the flotation device.	*E.g.*, Evolo Report 31, 515; Evolo Article 60 ("It is also equipped with a dead man's grip."). The Evolo Project has a detector that causes it to cease operation of the electric motor if the detector detects that a user is not on the flotation device.
15.	A watercraft in accordance with claim 1, wherein the propulsion system is directly or indirectly connected to the hydrofoil.	*E.g.*, Evolo Report 5–6, 9, 162, 164–67, 169, 261; Evolo Article 60, 62–63. The Evolo Project's propulsion system can be directly or indirectly connected to the hydrofoil.
16(a).	A personal hydrofoil watercraft, comprising:	*E.g.*, Evolo Report 10, 332, 405, 421, 522, 529, 537–38, 550; Evolo Article 60. The Evolo Project is a passively stable, weight-shift controlled personal hydrofoil watercraft.
16(b)(1).	a surfboard-shaped flotation device that has a fore-aft length greater than a lateral width,	*E.g.*, Evolo Report 5–6, 8, 162, 219–220, 333–34, 420, 425, 457, 474, 502, 521, 523–24, 530–31, 536, 539, 545, 549; Evolo Article 60–61, 63. The Evolo Project has a surfboard-shaped flotation device with a fore-aft length greater than its lateral width.

No.	'659 Claim Element	Prior Art
16(b)(2).	the flotation device having a top surface and a bottom surface, wherein the top surface has a substantially horizontal supporting surface configured to support a user in a prone, kneeling, or standing position,	*E.g.*, Evolo Report 5–6, 333, 537–38 ("To be able to steer in the desired way, the driver has the opportunity to stand or sit and lean in the desired direction."); Evolo Article 60–61. The claimed "a top surface and a bottom surface" are inherent to all flotation devices. Accordingly, the Evolo Project's flotation device has a top surface and a bottom surface; the top surface is substantially horizontal. A user of the Evolo Project can be in at least a kneeling or standing position.
16(b)(3).	the flotation device having a forward section, a middle section, and a rear section;	*E.g.*, Evolo Report 5–6; Evolo Article 60–61. The claimed "a forward section, a middle section, and a rear section" are inherent to all flotation devices. Accordingly, the Evolo Project's flotation device has a forward section, a middle section, and a rear section.
16(c)(1).	a hydrofoil interconnected with the surfboard-shaped flotation device,	*E.g.*, Evolo Report 5–6, 9; Evolo Article 62–63. The Evolo Project has a hydrofoil interconnected with the flotation device.
16(c)(2).	the hydrofoil having a strut and a first hydrofoil wing, an upper end of the strut being fixedly interconnected with the surfboard-shaped flotation device;	*E.g.*, Evolo Report 5–6, 9; Evolo Article 60, 62–63. The Evolo Project has a strut. The claimed a "upper end" is inherent to all struts. Accordingly, the Evolo Project's strut has an upper end. The upper end of the Evolo Project's strut is fixedly interconnected with the flotation device.
16(d)(1).	a propulsion system attached to the surfboard-shaped flotation device for propelling the watercraft in a body of water,	*E.g.*, Evolo Report 5–6, 9; Evolo Article 62–63. The Evolo Project has a propulsion system attached to the flotation device.
16(d)(2).	the propulsion system comprising a battery, an electric motor, a motor speed controller, and a propulsor, wherein the propulsor is selected from a propeller, a ducted propeller, or a pump-jet,	*E.g.*, Evolo Report 5–6, 10–11; Evolo Article 60 ("Evolo is powered by an electric motor . . . ."), 62 ("The engine is located at the bottom of the keel and the batteries a little higher up."). The Evolo Project has a battery, an electric motor, a motor speed controller, and a propeller.

No.	'659 Claim Element	Prior Art
16(d)(3).	and the battery and motor speed controller are contained in a watertight compartment integrated into the flotation device;	*E.g.*, Evolo Report 8 ("The floating body . . . has room for batteries."), 10, 185 ("the wiring to the motor bulb . . . can be easily spliced and extended, which provides easy movement and separation of handles, control unit and motor"); Evolo Article 60, 62–63. The Evolo Project's battery and motor speed controller are (or can be) contained in a waterproof compartment in the flotation device.
16(e).	the watercraft having no movable steering system;	*E.g.*, Evolo Report 5–6, 9; Evolo Article 62–63. The Evolo Project has no movable steering system.
16(f).	a handheld controller having a throttle; and	*E.g.*, *Namanny* Figs. 1–2, 6–7, ¶¶ 14–15, 62. *Namanny* discloses a wireless remote control for controlling the speed of a motorized watercraft.
16(g).	a throttle interface, wherein the throttle is adapted to send electronic signals to the throttle interface that cause an output of the propulsion system to change.	*E.g.*, *Namanny* Figs. 1–2, 6–7, ¶¶ 14–15, 62. *Namanny* discloses a wireless remote control for controlling the speed of a motorized watercraft.
17.	A watercraft in accordance with claim 16, wherein the hydrofoil comprises a plurality of hydrofoil wings including the first hydrofoil wing and a second hydrofoil wing, the first and second hydrofoil wings being connected by way of a strut.	*E.g.*, Evolo Report 5–6, 162, 164–67, 169, 261. The Evolo Project's hydrofoil can comprise a plurality of wings that are interconnected by way of its strut.
18.	A watercraft in accordance with claim 16, wherein the watercraft comprises a cooling system for cooling the electric motor.	*E.g.*, Evolo Report 9, 10–11, 257–58, 503, 514; Evolo Article 60, 62–63. The Evolo Project contains a cooling system.

No.	'659 Claim Element	Prior Art
19.	A watercraft in accordance with claim 16, wherein the strut has an internal passage and electrical wires extend from the electric motor to the watertight compartment inside the strut through the internal passage for controlling electric motor.	*E.g.*, Evolo Report 9–11; Evolo Article 62–63. The Evolo Project has a strut with an internal passage, through which electrical wires (for controlling the electric motor) extend from the electric motor to the waterproof compartment.
20.	A watercraft in accordance with claim 16, wherein the handheld controller comprises a wireless transmitter operatively coupled to the throttle and the throttle interface includes a receiver, the transmitter being adapted to send wireless signals to the receiver in response to actuation of the throttle that cause an output of the propulsion system to change.	*E.g.*, *Namanny* Figs. 1–2, 6–7, ¶¶ 14–15, 62. *Namanny* discloses a wireless remote control for controlling the speed of a motorized watercraft.

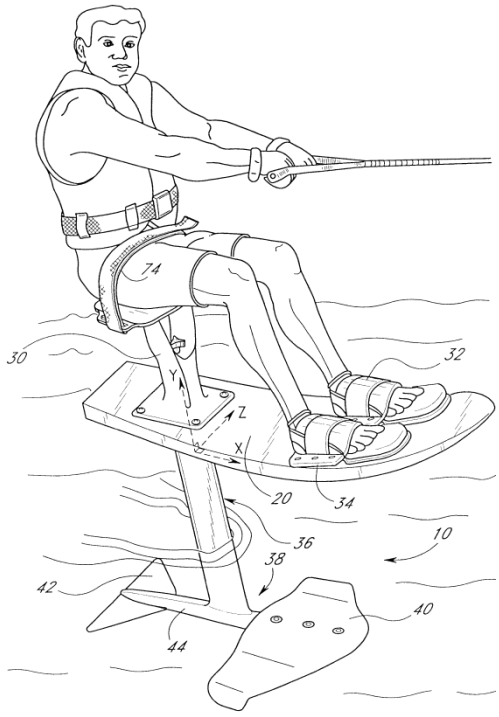
As shown in the chart above, the Evolo Project materials alone and/or in combination with *Namanny* anticipates (under 35 U.S.C. § 102) and/or renders obvious (under 35 U.S.C. § 103) each claim of the '659 patent.

A person of ordinary skill in the art, at the time the '659 patent's alleged invention was made, would have found it obvious to combine the teachings of the Evolo Project materials with *Namanny*, and would have been motivated to do so. The combination of teachings from those references is merely (a) the combination of prior art elements according to known methods to yield predictable results, (b) the simple substitution of known elements for one another to obtain predictable results, (c) the use of known techniques to improve similar devices in the same way, (d) the application of known techniques to known devices ready for improvement to yield

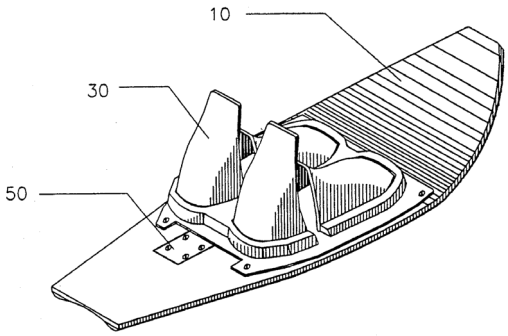
predictable results, (e) obvious to try; and/or (f) known to work in one field of endeavor prompting variations for use in either the same field or a different one based on design incentives or other market forces since the variations are predictable to one of ordinary skill in the art.

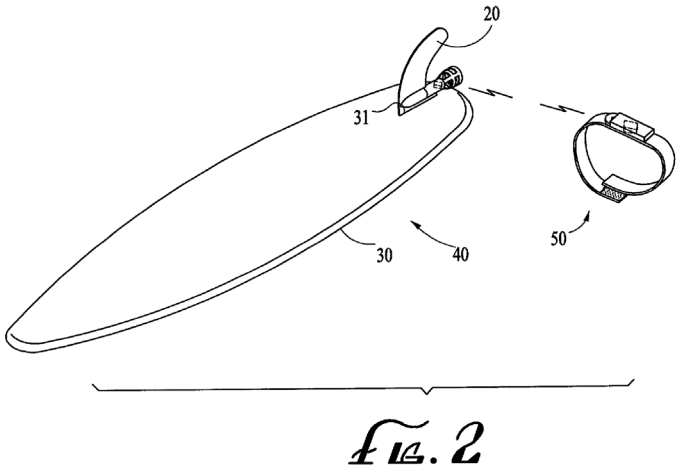
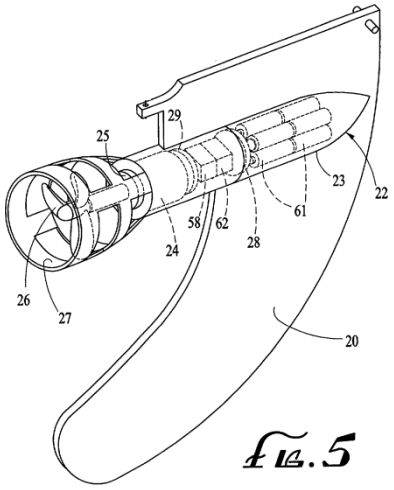
3. Each of the '044 Patent's Claims Is Invalid Over *Woolley* Alone and/or In Combination With *Richens*, *Namanny*, and/or *Ehlers*

The citations in the table below are not exhaustive, but rather are to exemplary portions of a reference or references that disclose a given claim element. Exemplary citations in the table below that reference a figure include all passages that describe any such figure.

No.	'044 Claim Element	Prior Art
1(a).	A passively stable, weight-shift controlled personal hydrofoil watercraft, comprising:	*E.g.*, *Woolley* Fig. 1 (reproduced below), Fig. 2, col. 9, *l*. 64–col. 10, *l*. 6. *Woolley* discloses a passively stable, weight-shift controlled personal hydrofoil watercraft.  *FIG. 1*
1(b)(1).	a flotation device that has a fore-aft length greater than a lateral width,	*E.g.*, *Woolley* Figs. 1–2, col. 9, *ll*. 33–61. *Woolley*'s flotation device has a fore-aft length greater than its lateral width.

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No.	'044 Claim Element	Prior Art
1(b)(2).	the flotation device having a top surface and a bottom surface, wherein a user can be disposed on the top surface of the flotation device in a prone, kneeling, or standing position,	*E.g.*, *Woolley* Figs. 1–2; *Richens* Fig. 1 (reproduced below), Fig. 2. The claimed "a top surface and a bottom surface" are inherent to all flotation devices. Accordingly, *Woolley*'s and *Richens*' flotation devices have a top surface and a bottom surface.  FIG. 1
1(b)(3).	the flotation device having a forward section, a middle section, and a rear section, and	*E.g.*, *Woolley* Figs. 1–2. The claimed "a forward section, a middle section, and a rear section" are inherent to all flotation devices. Accordingly, *Woolley*'s flotation device has a forward section, a middle section, and a rear section.
1(b)(4).	the flotation device being controlled via weight shift of the user;	*E.g.*, *Woolley* Figs. 1–2, col. 9, *l*. 64–col. 10, *l*. 6. *Woolley*'s flotation device is controlled via weight shift of the user.
1(c).	a strut having an upper end and a lower end, the upper end fixedly interconnected with the flotation device between the middle section and the rear section of the flotation device;	*E.g.*, *Woolley* Figs. 1–2. *Woolley* discloses a strut. The claimed a "upper end and a lower end" are inherent to all struts. Accordingly, *Woolley*'s strut has an upper end and a lower end. The upper end of *Woolley*'s strut is fixedly interconnected with the flotation device between the middle section and the rear section of the flotation device.
1(d)(1).	a hydrofoil fixedly interconnected with the lower end of the strut, the hydrofoil having no movable surface and	*E.g.*, *Woolley* Figs. 1–2. *Woolley*'s hydrofoil can be fixedly interconnected with the lower end of its strut. The hydrofoil has no movable surface.

No.	'044 Claim Element	Prior Art
1(d)(2).	designed to provide passive static stability controlled solely by weight shift of the user;	*E.g.*, *Woolley* Figs. 1–2, col. 9, *l*. 64–col. 10, *l*. 6. *Woolley*'s hydrofoil provides passive static stability controlled solely by weight shift of the user.
1(e).	a propulsion system for propelling the watercraft in a body of water, wherein the propulsion system is connected to the hydrofoil; and	*E.g.*, *Woolley* Figs. 1–2; *Namanny* Figs. 1–2 (reproduced below), 4–5. *Namanny* discloses adding a motorized fin and a wireless remote control to a conventional watercraft.  FIG. 2
1(f).	the watercraft having no movable steering system.	*E.g.*, *Woolley* Figs. 1–2, col. 9, *l*. 64–col. 10, *l*. 6. *Woolley* discloses a watercraft with no movable steering system.
2.	A watercraft in accordance with claim 1, wherein the propulsion system comprises a battery, an electric motor, a motor speed controller, and a propulsor, the propulsor selected from a propeller, a ducted propeller, or a pump-jet.	*E.g.*, *Namanny* Figs. 1–2, 4–5 (reproduced below), ¶¶ 13–14. *Namanny* discloses a propulsion system with a battery, an electric motor, a motor speed controller, and a propeller.  FIG. 5

No.	'044 Claim Element	Prior Art
3.	A watercraft in accordance with claim 2, wherein the propulsor is disposed below the hydrofoil.	*E.g.*, *Woolley* Figs. 1–2; *Namanny* Figs. 1–2, 4–5. *Namanny*'s propulsion system can be disposed below *Woolley*'s hydrofoil.
4.	A watercraft in accordance with claim 1, wherein the propulsion system is integrated in a first hydrofoil wing of the hydrofoil and has an inlet near a leading end of the first hydrofoil wing and an outlet near a trailing edge of the first hydrofoil wing.	*E.g.*, *Woolley* Figs. 1–2; *Namanny* Figs. 1–2, 4–5. *Namanny*'s propulsion system can be integrated in *Woolley*'s hydrofoil wing, with an inlet near the leading end of the wing and an outlet near the trailing edge of the wing.
5.	A watercraft in accordance with claim 1, wherein the design for providing the passive static stability is achieved through a combination of airfoil design, planform design and tailoring of span-wise twist distribution.	*E.g.*, *Woolley* Figs. 1–2. *Woolley*'s hydrofoil provides passive static stability through a combination of airfoil design, planform design, and tailoring of span-wise twist distribution.
6.	A watercraft in accordance with claim 1, wherein the hydrofoil is wing shaped with a front edge and a rear edge that both curve rearwardly.	*E.g.*, *Woolley* Figs. 2, 7B, 37, 38. *Woolley*'s hydrofoil can be wing shaped with front and rear edges that curve rearwardly.
7.	A watercraft in accordance with claim 1, wherein the hydrofoil is indirectly connected to the strut.	*E.g.*, *Woolley* Figs. 1–2. *Woolley*'s hydrofoil can be indirectly connected to its strut.
8.	A watercraft in accordance with claim 7, wherein the strut is directly connected to the propulsion system.	*E.g.*, *Woolley* Figs. 1–2; *Namanny* Figs. 1–2, 4–5. *Namanny*'s propulsion system can be directly connected to *Woolley*'s strut.
9.	A watercraft in accordance with claim 8, wherein a first hydrofoil wing of the hydrofoil is indirectly connected to the strut through the propulsion system.	*E.g.*, *Woolley* Figs. 1–2; *Namanny* Figs. 1–2, 4–5. *Woolley*'s hydrofoil can be indirectly connected to the strut through *Namanny*'s propulsion system.

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No.	'044 Claim Element	Prior Art
10.	A watercraft in accordance with claim 7, wherein the hydrofoil comprises a plurality of wings that are interconnected by way of a strut.	*E.g.*, *Woolley* Figs. 1–2. *Woolley*'s hydrofoil can comprise a plurality of wings that are interconnected by way of its strut.
11.	A watercraft in accordance with claim 2, wherein the battery and motor speed controller are contained in a waterproof compartment integrated into the flotation device.	*E.g.*, *Woolley* Figs. 1–2; *Namanny* Figs. 1–2, 4–5. *Namanny*'s battery and motor speed controller can be contained in a waterproof compartment in *Woolley*'s flotation device.
12.	A watercraft in accordance with claim 2, wherein the electric motor is integrated into a waterproof, streamlined pod and the watercraft comprises a cooling system.	*E.g.*, *Namanny* Figs. 1–2, 4–5, ¶ 60. *Namanny*'s propulsion system contains a cooling system, and its electric motor is integrated into a waterproof, streamlined pod.
13.	A watercraft in accordance with claim 2, wherein the electric motor is removably interconnected with the hydrofoil through a fitting.	*E.g.*, *Woolley* Figs. 1–2; *Namanny* Figs. 1–2, 4–5. *Namanny*'s electric motor can be removably interconnected with *Woolley*'s hydrofoil through a fitting.
14.	A watercraft in accordance with claim 10, wherein the first hydrofoil wing includes winglets extending at an angle to a main body of the first hydrofoil wing.	*E.g.*, *Woolley* Figs. 6–11. *Woolley*'s hydrofoil has at least one hydrofoil wing that includes at least one winglet extending at an angle to a main body of the hydrofoil wing.
15.	A watercraft in accordance with claim 11, further comprising a wireless handheld controller having a transmitter, and a throttle interface having a receiver, wherein the transmitter is adapted to send wireless signals to the receiver that cause an output of the propulsion system to change.	*E.g.*, *Namanny* Figs. 1–2, 6–7, ¶¶ 14–15, 62. *Namanny* discloses a wireless remote control for controlling the speed of a motorized watercraft.

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No.	'044 Claim Element	Prior Art
16.	A watercraft in accordance with claim 1, wherein a first hydrofoil wing of the hydrofoil is directly connected to the strut.	*E.g.*, *Woolley* Figs. 1–2. *Woolley*'s hydrofoil can be directly connected to its strut.
17.	A watercraft in accordance with claim 1, wherein the hydrofoil is spaced a fixed distance apart from the flotation device.	*E.g.*, *Woolley* Figs. 1–2. *Woolley*'s hydrofoil is spaced a fixed distance from its flotation device.
18.	A watercraft in accordance with claim 15, wherein the strut has an internal passage and electrical wires extend from the electric motor to the waterproof compartment inside the strut through the internal passage for controlling the electric motor.	*E.g.*, *Woolley* Figs. 1–2; *Namanny* Figs. 1–2, 4–5. *Woolley*'s strut can be made with an internal passage, through which electrical wires (for controlling *Namanny*'s electric motor) can extend from the electric motor to a waterproof compartment in *Woolley*'s flotation device.
19.	A watercraft in accordance with claim 2, wherein the flotation device has a detector adapted to detect a user's presence on the flotation device and cease operation of the electric motor if the detector detects that the user is not on the flotation device.	*E.g.*, *Ehlers* col. 1, *ll*. 17–42 ("In the area of recreational vehicles and watercraft [dead man switches] have become common place."). *Ehlers* discloses dead man switches for use with watercraft.
20.	A watercraft in accordance with claim 11, wherein the electric motor is a brushless motor.	*E.g.*, *Namanny* Figs. 3–5, ¶ 59. *Namanny*'s electric motor can be brushless.
21.	A watercraft in accordance with claim 1, wherein the propulsion system is directly or indirectly connected to the hydrofoil.	*E.g.*, *Woolley* Figs. 1–2; *Namanny* Figs. 1–2, 4–5. *Namanny*'s propulsion system can be directly or indirectly connected to *Woolley*'s hydrofoil.

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No.	'044 Claim Element	Prior Art
22.	A watercraft in accordance with claim 21, wherein the hydrofoil is directly connected to the strut, and the strut is directly connected to the propulsion system.	*E.g.*, *Woolley* Figs. 1–2; *Namanny* Figs. 1–2, 4–5. *Woolley*'s strut can be directly connected to its hydrofoil and *Namanny*'s propulsion system.

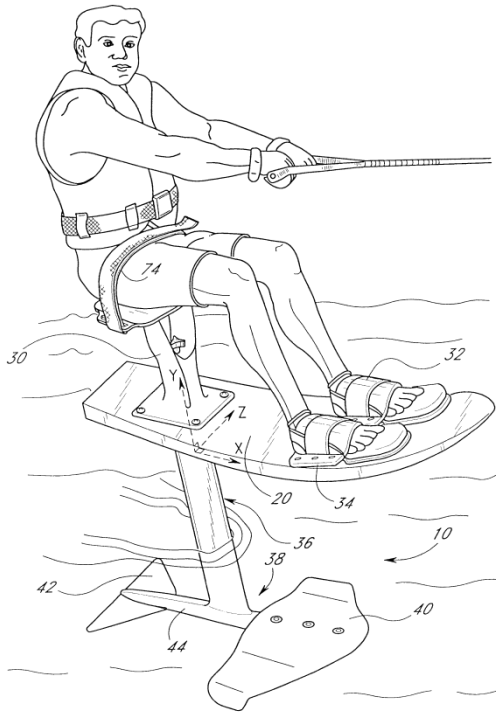
As shown in the chart above, *Woolley* alone and/or in combination with *Richens*, *Namanny*, and/or *Ehlers* anticipates (under 35 U.S.C. § 102) and/or renders obvious (under 35 U.S.C. § 103) each claim of the '044 patent.

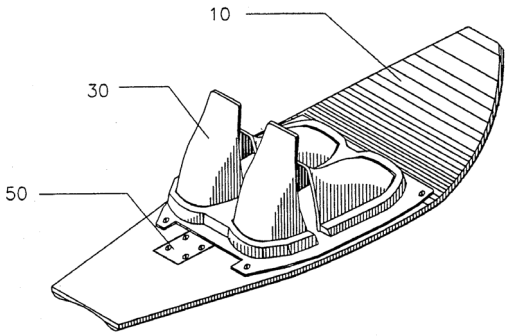
A person of ordinary skill in the art, at the time the '044 patent's alleged invention was made, would have found it obvious to combine the teachings of *Woolley* with *Richens*, *Namanny*, and/or *Ehlers*, and would have been motivated to do so. The combination of teachings from those references is merely (a) the combination of prior art elements according to known methods to yield predictable results, (b) the simple substitution of known elements for one another to obtain predictable results, (c) the use of known techniques to improve similar devices in the same way, (d) the application of known techniques to known devices ready for improvement to yield predictable results, (e) obvious to try; and/or (f) known to work in one field of endeavor prompting variations for use in either the same field or a different one based on design incentives or other market forces since the variations are predictable to one of ordinary skill in the art.

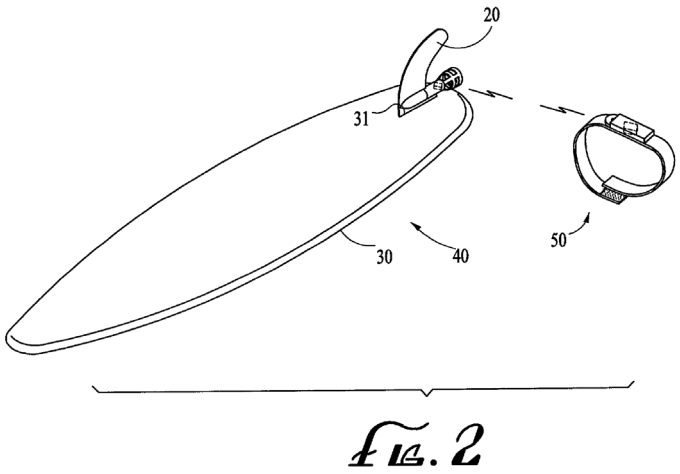
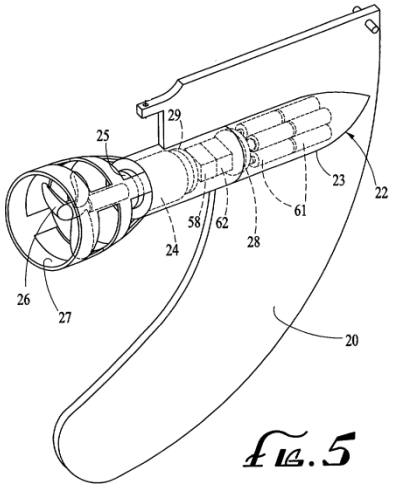
4. Each of the '659 Patent's Claims Is Invalid Over *Woolley* Alone and/or In Combination With *Richens*, *Namanny*, and/or *Ehlers*

The citations in the table below are not exhaustive, but rather are to exemplary portions of a reference or references that disclose a given claim element. Exemplary citations in the table below that reference a figure include all passages that describe any such figure.

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No.	'659 Claim Element	Prior Art
1(a).	A passively stable, weight-shift controlled personal hydrofoil watercraft, comprising:	*E.g.*, *Woolley* Fig. 1 (reproduced below), Fig. 2, col. 9, *l*. 64–col. 10, *l*. 6. *Woolley* discloses a passively stable, weight-shift controlled personal hydrofoil watercraft.  *FIG. 1*
1(b)(1).	a flotation device that has a fore-aft length greater than a lateral width,	*E.g.*, *Woolley* Figs. 1–2, col. 9, *ll*. 33–61. *Woolley*'s flotation device has a fore-aft length greater than its lateral width.

No.	'659 Claim Element	Prior Art
1(b)(2).	the flotation device having a top surface and a bottom surface, wherein a user can be disposed on the top surface of the flotation device in a prone, kneeling, or standing position,	*E.g.*, *Woolley* Figs. 1–2; *Richens* Fig. 1 (reproduced below), Fig. 2. The claimed "a top surface and a bottom surface" are inherent to all flotation devices. Accordingly, *Woolley*'s and *Richens*' flotation devices have a top surface and a bottom surface.  FIG. 1
1(b)(3).	the flotation device having a forward section, a middle section, and a rear section;	*E.g.*, *Woolley* Figs. 1–2. The claimed "a forward section, a middle section, and a rear section" are inherent to all flotation devices. Accordingly, *Woolley*'s flotation device has a forward section, a middle section, and a rear section.
1(c).	a strut having a upper end and a lower end, the upper end fixedly interconnected with the flotation device between the middle section and the rear section of the flotation device;	*E.g.*, *Woolley* Figs. 1–2. *Woolley* discloses a strut. The claimed a "upper end and a lower end" are inherent to all struts. Accordingly, *Woolley*'s strut has an upper end and a lower end. The upper end of *Woolley*'s strut is fixedly interconnected with the flotation device between the middle section and the rear section of the flotation device.
1(d).	a hydrofoil fixedly interconnected with the lower end of the strut, the hydrofoil having no movable surface;	*E.g.*, *Woolley* Figs. 1–2. *Woolley*'s hydrofoil can be fixedly interconnected with the lower end of its strut. The hydrofoil has no movable surface.

No.	'659 Claim Element	Prior Art
1(e).	a propulsion system for propelling the watercraft in a body of water, wherein the propulsion system is connected to the hydrofoil; and	*E.g.*, *Woolley* Figs. 1–2; *Namanny* Figs. 1–2 (reproduced below), 4–5. *Namanny* discloses adding a motorized fin and a wireless remote control to a conventional watercraft.  FIG. 2
1(f).	the watercraft having no movable steering system.	*E.g.*, *Woolley* Figs. 1–2, col. 9, *l*. 64–col. 10, *l*. 6. *Woolley* discloses a watercraft with no movable steering system.
2.	A watercraft in accordance with claim 1, wherein the propulsion system comprises a battery, an electric motor, a motor speed controller, and a propulsor, the propulsor selected from a propeller, a ducted propeller, or a pump-jet.	*E.g.*, *Namanny* Figs. 1–2, 4–5 (reproduced below), ¶¶ 13–14. *Namanny* discloses a propulsion system with a battery, an electric motor, a motor speed controller, and a propeller.  FIG. 5
3.	A watercraft in accordance with claim 2, wherein the propulsor is disposed below the hydrofoil.	*E.g.*, *Woolley* Figs. 1–2; *Namanny* Figs. 1–2, 4–5. *Namanny* 's propulsion system can be disposed below *Woolley*'s hydrofoil.

No.	'659 Claim Element	Prior Art
4.	A watercraft in accordance with claim 1, wherein the hydrofoil is indirectly connected to the strut.	*E.g.*, *Woolley* Figs. 1–2. *Woolley*'s hydrofoil can be indirectly connected to its strut.
5.	A watercraft in accordance with claim 4, wherein the strut is directly connected to the propulsion system.	*E.g.*, *Woolley* Figs. 1–2; *Namanny* Figs. 1–2, 4–5. *Namanny*'s propulsion system can be directly connected to *Woolley*'s strut.
6.	A watercraft in accordance with claim 5, wherein a first hydrofoil wing of the hydrofoil is indirectly connected to the strut through the propulsion system.	*E.g.*, *Woolley* Figs. 1–2; *Namanny* Figs. 1–2, 4–5. *Woolley*'s hydrofoil can be indirectly connected to the strut through *Namanny*'s propulsion system.
7.	A watercraft in accordance with claim 4, wherein the hydrofoil comprises a plurality of wings that are interconnected by way of a strut.	*E.g.*, *Woolley* Figs. 1–2. *Woolley*'s hydrofoil can comprise a plurality of wings that are interconnected by way of its strut.
8.	A watercraft in accordance with claim 2, wherein the battery and motor speed controller are contained in a watertight compartment integrated into the flotation device.	*E.g.*, *Woolley* Figs. 1–2; *Namanny* Figs. 1–2, 4–5. *Namanny*'s battery and motor speed controller can be contained in a waterproof compartment in *Woolley*'s flotation device.
9.	A watercraft in accordance with claim 2, wherein the electric motor is integrated into a waterproof, streamlined pod and the watercraft comprises a cooling system for cooling the electric motor.	*E.g.*, *Namanny* Figs. 1–2, 4–5, ¶ 60. *Namanny*'s electric motor (i) is integrated into a waterproof, streamlined pod, and (ii) has a cooling system.
10.	A watercraft in accordance with claim 9, wherein the waterproof, streamlined pod is removably interconnected with the hydrofoil through a fitting.	*E.g.*, *Woolley* Figs. 1–2; *Namanny* Figs. 1–2, 4–5. *Namanny*'s electric motor can be removably interconnected with *Woolley*'s hydrofoil through a fitting.

No.	'659 Claim Element	Prior Art
11.	A watercraft in accordance with claim 8, further comprising a wireless handheld controller having a transmitter, and a throttle interface having a receiver, wherein the transmitter is adapted to send wireless signals to the receiver that cause an output of the propulsion system to change.	*E.g.*, *Namanny* Figs. 1–2, 6–7, ¶¶ 14–15, 62. *Namanny* discloses a wireless remote control for controlling the speed of a motorized watercraft.
12.	A watercraft in accordance with claim 1, wherein a first hydrofoil wing of the hydrofoil is directly connected to the strut.	*E.g.*, *Woolley* Figs. 1–2. *Woolley*'s hydrofoil can be directly connected to its strut.
13.	A watercraft in accordance with claim 8, wherein the strut has an internal passage and electrical wires extend from the electric motor to the watertight compartment inside the strut through the internal passage for controlling the electric motor.	*E.g.*, *Woolley* Figs. 1–2; *Namanny* Figs. 1–2, 4–5. *Woolley*'s strut can be made with an internal passage, through which electrical wires (for controlling *Namanny*'s electric motor) can extend from the electric motor to a waterproof compartment in *Woolley*'s flotation device.
14.	A watercraft in accordance with claim 13, wherein the flotation device has a detector adapted to detect a user's presence on the flotation device and cease operation of the electric motor if the detector detects that the user is not on the flotation device.	*E.g.*, *Ehlers* col. 1, *ll*. 17–42 ("In the area of recreational vehicles and watercraft [dead man switches] have become common place."). *Ehlers* discloses dead man switches for use with watercraft.
15.	A watercraft in accordance with claim 1, wherein the propulsion system is directly or indirectly connected to the hydrofoil.	*E.g.*, *Woolley* Figs. 1–2; *Namanny* Figs. 1–2, 4–5. *Namanny*'s propulsion system can be directly or indirectly connected to *Woolley*'s hydrofoil.

No.	'659 Claim Element	Prior Art
16(a).	A personal hydrofoil watercraft, comprising:	*E.g.*, *Woolley* Fig. 1 (reproduced below), Fig. 2, col. 9, *l*. 64–col. 10, *l*. 6. *Woolley* discloses a passively stable, weight-shift controlled personal hydrofoil watercraft.
16(b)(1).	a surfboard-shaped flotation device that has a fore-aft length greater than a lateral width,	*E.g.*, *Woolley* Figs. 1–2, col. 9, *ll*. 33–61. *Woolley*'s surfboard-shaped flotation device has a fore-aft length greater than its lateral width.
16(b)(2).	the flotation device having a top surface and a bottom surface, wherein the top surface has a substantially horizontal supporting surface configured to support a user in a prone, kneeling, or standing position,	*E.g.*, *Woolley* Figs. 1–2; *Richens* Fig. 1 (reproduced below), Fig. 2. The claimed "a top surface and a bottom surface" are inherent to all flotation devices. Accordingly, *Woolley*'s and *Richens*' flotation devices have a top surface and a bottom surface; the top surface is substantially horizontal.
16(b)(3).	the flotation device having a forward section, a middle section, and a rear section;	*E.g.*, *Woolley* Figs. 1–2. The claimed "a forward section, a middle section, and a rear section" are inherent to all flotation devices. Accordingly, *Woolley*'s flotation device has a forward section, a middle section, and a rear section.
16(c)(1).	a hydrofoil interconnected with the surfboard-shaped flotation device,	*E.g.*, *Woolley* Figs. 1–2. *Woolley*'s hydrofoil can be fixedly interconnected with its flotation device.
16(c)(2).	the hydrofoil having a strut and a first hydrofoil wing, an upper end of the strut being fixedly interconnected with the surfboard-shaped flotation device;	*E.g.*, *Woolley* Figs. 1–2. *Woolley* discloses a strut. The claimed a "upper end" is inherent to all struts. Accordingly, *Woolley*'s strut has an upper end. The upper end of *Woolley*'s strut is fixedly interconnected with the flotation device.
16(d)(1).	a propulsion system attached to the surfboard-shaped flotation device for propelling the watercraft in a body of water,	*E.g.*, *Woolley* Figs. 1–2; *Namanny* Figs. 1–2 (reproduced below), 4–5. *Namanny* discloses adding a motorized fin and a wireless remote control to a conventional watercraft.

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No.	'659 Claim Element	Prior Art
16(d)(2).	the propulsion system comprising a battery, an electric motor, a motor speed controller, and a propulsor, wherein the propulsor is selected from a propeller, a ducted propeller, or a pump-jet,	*E.g.*, *Namanny* Figs. 1–2, 4–5 (reproduced below), ¶¶ 13–14. *Namanny* discloses a propulsion system with a battery, an electric motor, a motor speed controller, and a propeller.
16(d)(3).	and the battery and motor speed controller are contained in a watertight compartment integrated into the flotation device;	*E.g.*, *Woolley* Figs. 1–2; *Namanny* Figs. 1–2, 4–5. *Namanny*'s battery and motor speed controller can be contained in a waterproof compartment in *Woolley*'s flotation device.
16(e).	the watercraft having no movable steering system;	*E.g.*, *Woolley* Figs. 1–2, col. 9, *l*. 64–col. 10, *l*. 6. *Woolley* discloses a watercraft with no movable steering system.
16(f).	a handheld controller having a throttle; and	*E.g.*, *Namanny* Figs. 1–2, 6–7, ¶¶ 14–15, 62. *Namanny* discloses a wireless remote control for controlling the speed of a motorized watercraft.
16(g).	a throttle interface, wherein the throttle is adapted to send electronic signals to the throttle interface that cause an output of the propulsion system to change.	*E.g.*, *Namanny* Figs. 1–2, 6–7, ¶¶ 14–15, 62. *Namanny* discloses a wireless remote control for controlling the speed of a motorized watercraft.
17.	A watercraft in accordance with claim 16, wherein the hydrofoil comprises a plurality of hydrofoil wings including the first hydrofoil wing and a second hydrofoil wing, the first and second hydrofoil wings being connected by way of a strut.	*E.g.*, *Woolley* Figs. 1–2. *Woolley*'s hydrofoil can comprise a plurality of wings that are interconnected by way of its strut.
18.	A watercraft in accordance with claim 16, wherein the watercraft comprises a cooling system for cooling the electric motor.	*E.g.*, *Namanny* Figs. 1–2, 4–5, ¶ 60. *Namanny*'s electric motor can contain a cooling system.

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No.	'659 Claim Element	Prior Art
19.	A watercraft in accordance with claim 16, wherein the strut has an internal passage and electrical wires extend from the electric motor to the watertight compartment inside the strut through the internal passage for controlling electric motor.	*E.g.*, *Woolley* Figs. 1–2; *Namanny* Figs. 1–2, 4–5. *Woolley*'s strut can be made with an internal passage, through which electrical wires (for controlling *Namanny*'s electric motor) can extend from the electric motor to a waterproof compartment in *Woolley*'s flotation device.
20.	A watercraft in accordance with claim 16, wherein the handheld controller comprises a wireless transmitter operatively coupled to the throttle and the throttle interface includes a receiver, the transmitter being adapted to send wireless signals to the receiver in response to actuation of the throttle that cause an output of the propulsion system to change.	*E.g.*, *Namanny* Figs. 1–2, 6–7, ¶¶ 14–15, 62. *Namanny* discloses a wireless remote control for controlling the speed of a motorized watercraft.

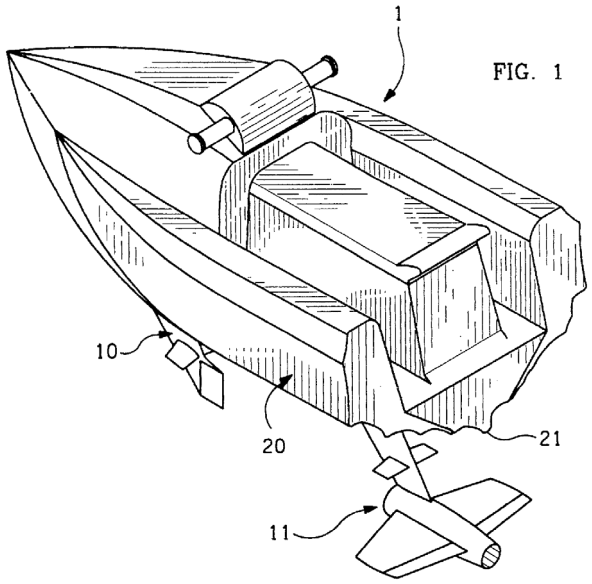
As shown in the chart above, *Woolley* alone and/or in combination with *Richens*, *Namanny*, and/or *Ehlers* anticipates (under 35 U.S.C. § 102) and/or renders obvious (under 35 U.S.C. § 103) each claim of the '659 patent.

A person of ordinary skill in the art, at the time the '659 patent's alleged invention was made, would have found it obvious to combine the teachings of *Woolley* with *Richens*, *Namanny*, and/or *Ehlers*, and would have been motivated to do so. The combination of teachings from those references is merely (a) the combination of prior art elements according to known methods to yield predictable results, (b) the simple substitution of known elements for one another to obtain predictable results, (c) the use of known techniques to improve similar devices in the same way, (d) the application of known techniques to known devices ready for improvement to yield

predictable results, (e) obvious to try; and/or (f) known to work in one field of endeavor prompting variations for use in either the same field or a different one based on design incentives or other market forces since the variations are predictable to one of ordinary skill in the art.

5. Each of the '044 Patent's Claims Is Invalid Over *Rorabaugh* Alone and/or In Combination With *Hull*, *Namanny*, and/or *Ehlers*

The citations in the table below are not exhaustive, but rather are to exemplary portions of a reference or references that disclose a given claim element. Exemplary citations in the table below that reference a figure include all passages that describe any such figure.

No.	'044 Claim Element	Prior Art
1(a).	A passively stable, weight-shift controlled personal hydrofoil watercraft, comprising:	*E.g.*, *Rorabaugh* Fig. 1 (reproduced below), Figs. 2–3; *Hull* Figs. 1, 4, col. 1, *ll*. 39–41 ("Sideways movement of the device is similarly controlled by slight sideways shifts of the riders body weight."). *Rorabaugh* and *Hull* disclose passively stable, weight-shift controlled personal hydrofoil watercrafts. 
1(b)(1).	a flotation device that has a fore-aft length greater than a lateral width,	*E.g.*, *Rorabaugh* Figs. 1–3; *Hull* Figs. 1, 4. *Rorabaugh* and *Hull* have flotation devices with fore-aft lengths greater than their lateral widths.

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No.	'044 Claim Element	Prior Art
1(b)(2).	the flotation device having a top surface and a bottom surface, wherein a user can be disposed on the top surface of the flotation device in a prone, kneeling, or standing position,	*E.g.*, *Rorabaugh* Figs. 1–3; *Hull* Figs. 1, 4, 7B–7C. The claimed "a top surface and a bottom surface" are inherent to all flotation devices. Accordingly, *Rorabaugh*'s and *Hull*'s flotation devices have a top surface and a bottom surface. A user of *Rorabaugh*'s and *Hull*'s devices can be in at least a kneeling or standing position.
1(b)(3).	the flotation device having a forward section, a middle section, and a rear section, and	*E.g.*, *Rorabaugh* Figs. 1–3; *Hull* Figs. 1, 4. The claimed "a forward section, a middle section, and a rear section" are inherent to all flotation devices. Accordingly, *Rorabaugh*'s and *Hull*'s flotation devices have a forward section, a middle section, and a rear section.
1(b)(4).	the flotation device being controlled via weight shift of the user;	*E.g.*, *Rorabaugh* Figs. 1–3; *Hull* Figs. 1, 4, col. 1, *ll*. 39–41 ("Sideways movement of the device is similarly controlled by slight sideways shifts of the riders body weight."). *Rorabaugh*'s and *Hull*'s flotation devices are controlled via weight shift of the user.
1(c).	a strut having an upper end and a lower end, the upper end fixedly interconnected with the flotation device between the middle section and the rear section of the flotation device;	*E.g.*, *Rorabaugh* Figs. 1–3; *Hull* Figs. 1, 4. *Rorabaugh*'s device has a strut. The claimed a "upper end and a lower end" are inherent to all struts. Accordingly, *Rorabaugh*'s strut has an upper end and a lower end. The upper end of *Rorabaugh*'s strut is fixedly interconnected with its flotation device between the middle section and the rear section of the flotation device.
1(d)(1).	a hydrofoil fixedly interconnected with the lower end of the strut, the hydrofoil having no movable surface and	*E.g.*, *Rorabaugh* Figs. 1–3; *Hull* Figs. 1, 4. *Hull*'s device has a strut with a hydrofoil fixedly interconnected with its lower end. *Hull*'s hydrofoil has no movable surface.
1(d)(2).	designed to provide passive static stability controlled solely by weight shift of the user;	*E.g.*, *Rorabaugh* Figs. 1–3; *Hull* Figs. 1, 4, col. 1, *ll*. 39–41 ("Sideways movement of the device is similarly controlled by slight sideways shifts of the riders body weight."). *Rorabaugh*'s and *Hull*'s hydrofoils provide passive static stability controlled solely by weight shift of the user.

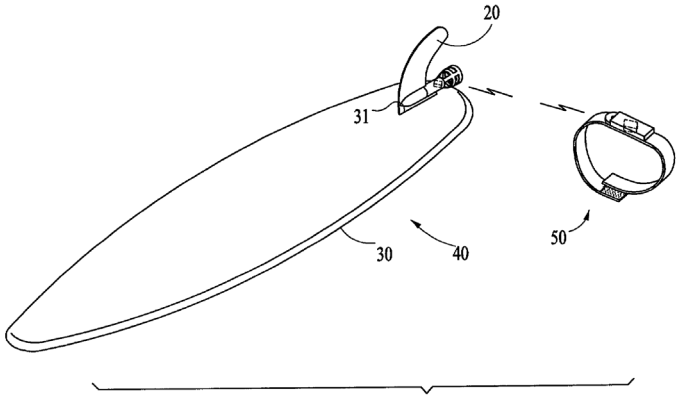
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No.	'044 Claim Element	Prior Art
1(e).	a propulsion system for propelling the watercraft in a body of water, wherein the propulsion system is connected to the hydrofoil; and	*E.g.*, *Rorabaugh* Figs. 1–3. *Rorabaugh* discloses a propulsion system connected to its hydrofoil.
1(f).	the watercraft having no movable steering system.	*E.g.*, *Rorabaugh* Figs. 1–3, col. 8, ll. 40–64 "[T]he area of the hull is massive relative to the control area of the hydrofoil planes. This means that control is minimal."); *Hull* Figs. 1, 4, col. 1, *ll*. 39–41 ("Sideways movement of the device is similarly controlled by slight sideways shifts of the riders body weight."). *Hull*'s device has no movable steering system.
2.	A watercraft in accordance with claim 1, wherein the propulsion system comprises a battery, an electric motor, a motor speed controller, and a propulsor, the propulsor selected from a propeller, a ducted propeller, or a pump-jet.	*E.g.*, *Rorabaugh* Figs. 1–3. *Rorabaugh*'s propulsion system can comprise a battery, an electric motor, a motor speed controller, and a propeller.
3.	A watercraft in accordance with claim 2, wherein the propulsor is disposed below the hydrofoil.	*E.g.*, *Rorabaugh* Figs. 1–3. *Rorabaugh*'s propeller can be disposed below the hydrofoil.
4.	A watercraft in accordance with claim 1, wherein the propulsion system is integrated in a first hydrofoil wing of the hydrofoil and has an inlet near a leading end of the first hydrofoil wing and an outlet near a trailing edge of the first hydrofoil wing.	*E.g.*, *Rorabaugh* Figs. 1–3. *Rorabaugh*'s propulsion system can be integrated in a hydrofoil wing, with an inlet near the leading end of the wing and an outlet near the trailing edge of the wing.

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No.	'044 Claim Element	Prior Art
5.	A watercraft in accordance with claim 1, wherein the design for providing the passive static stability is achieved through a combination of airfoil design, planform design and tailoring of span-wise twist distribution.	*E.g.*, *Rorabaugh* Figs. 1–3. *Rorabaugh*'s hydrofoil provides passive static stability through a combination of airfoil design, planform design, and tailoring of span-wise twist distribution.
6.	A watercraft in accordance with claim 1, wherein the hydrofoil is wing shaped with a front edge and a rear edge that both curve rearwardly.	*E.g.*, *Rorabaugh* Figs. 1–3. *Rorabaugh*'s hydrofoil can be wing shaped with front and rear edges that curve rearwardly.
7.	A watercraft in accordance with claim 1, wherein the hydrofoil is indirectly connected to the strut.	*E.g.*, *Rorabaugh* Figs. 1–3. *Rorabaugh*'s hydrofoil can be indirectly connected to its strut.
8.	A watercraft in accordance with claim 7, wherein the strut is directly connected to the propulsion system.	*E.g.*, *Rorabaugh* Figs. 1–3. *Rorabaugh*'s strut can be directly connected to its propulsion system.
9.	A watercraft in accordance with claim 8, wherein a first hydrofoil wing of the hydrofoil is indirectly connected to the strut through the propulsion system.	*E.g.*, *Rorabaugh* Figs. 1–3. *Rorabaugh*'s hydrofoil can be indirectly connected to the strut through the propulsion system.
10.	A watercraft in accordance with claim 7, wherein the hydrofoil comprises a plurality of wings that are interconnected by way of a strut.	*E.g.*, *Rorabaugh* Figs. 1–3. *Rorabaugh*'s hydrofoil can comprise a plurality of wings that are interconnected by way of its strut.
11.	A watercraft in accordance with claim 2, wherein the battery and motor speed controller are contained in a waterproof compartment integrated into the flotation device.	*E.g.*, *Rorabaugh* Figs. 1–3. *Rorabaugh*'s battery and motor speed controller can be contained in a waterproof compartment in the flotation device.

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No.	'044 Claim Element	Prior Art
12.	A watercraft in accordance with claim 2, wherein the electric motor is integrated into a waterproof, streamlined pod and the watercraft comprises a cooling system.	*E.g.*, *Rorabaugh* Figs. 1–3. *Rorabaugh*'s device can contain a cooling system, and an electric motor can be integrated into its waterproof, streamlined pod.
13.	A watercraft in accordance with claim 2, wherein the electric motor is removably interconnected with the hydrofoil through a fitting.	*E.g.*, *Rorabaugh* Figs. 1–3. *Rorabaugh*'s device can contain an electric motor that is removably interconnected with the hydrofoil through a fitting.
14.	A watercraft in accordance with claim 10, wherein the first hydrofoil wing includes winglets extending at an angle to a main body of the first hydrofoil wing.	*E.g.*, *Rorabaugh* Figs. 1–3. *Rorabaugh*'s device has at least one hydrofoil wing that can include at least one winglet extending at an angle to a main body of the hydrofoil wing.
15.	A watercraft in accordance with claim 11, further comprising a wireless handheld controller having a transmitter, and a throttle interface having a receiver, wherein the transmitter is adapted to send wireless signals to the receiver that cause an output of the propulsion system to change.	*E.g.*, *Namanny* Figs. 1–2 (reproduced below), 6–7, ¶¶ 14–15, 62. *Namanny* discloses a wireless remote control for controlling the speed of a motorized watercraft.  FIG. 2
16.	A watercraft in accordance with claim 1, wherein a first hydrofoil wing of the hydrofoil is directly connected to the strut.	*E.g.*, *Rorabaugh* Figs. 1–3. *Rorabaugh*'s hydrofoil can be can be directly connected to the strut.

No.	'044 Claim Element	Prior Art
17.	A watercraft in accordance with claim 1, wherein the hydrofoil is spaced a fixed distance apart from the flotation device.	*E.g.*, *Rorabaugh* Figs. 1–3. *Rorabaugh*'s hydrofoil can be spaced a fixed distance from the flotation device.
18.	A watercraft in accordance with claim 15, wherein the strut has an internal passage and electrical wires extend from the electric motor to the waterproof compartment inside the strut through the internal passage for controlling the electric motor.	*E.g.*, *Rorabaugh* Figs. 1–3. *Rorabaugh*'s strut has an internal passage, through which electrical wires (for controlling the electric motor) can extend from the electric motor to the waterproof compartment.
19.	A watercraft in accordance with claim 2, wherein the flotation device has a detector adapted to detect a user's presence on the flotation device and cease operation of the electric motor if the detector detects that the user is not on the flotation device.	*E.g.*, *Ehlers* col. 1, *ll*. 17–42 ("In the area of recreational vehicles and watercraft [dead man switches] have become common place."). *Ehlers* discloses dead man switches for use with watercraft.
20.	A watercraft in accordance with claim 11, wherein the electric motor is a brushless motor.	*E.g.*, *Rorabaugh* Figs. 1–3. *Rorabaugh*'s propulsion system can contain a brushless electric motor.
21.	A watercraft in accordance with claim 1, wherein the propulsion system is directly or indirectly connected to the hydrofoil.	*E.g.*, *Rorabaugh* Figs. 1–3. *Rorabaugh*'s propulsion system can be directly or indirectly connected to the hydrofoil.
22.	A watercraft in accordance with claim 21, wherein the hydrofoil is directly connected to the strut, and the strut is directly connected to the propulsion system.	*E.g.*, *Rorabaugh* Figs. 1–3. *Rorabaugh*'s strut can be directly connected to the hydrofoil and the propulsion system.

As shown in the chart above, *Rorabaugh* alone and/or in combination with *Hull*,

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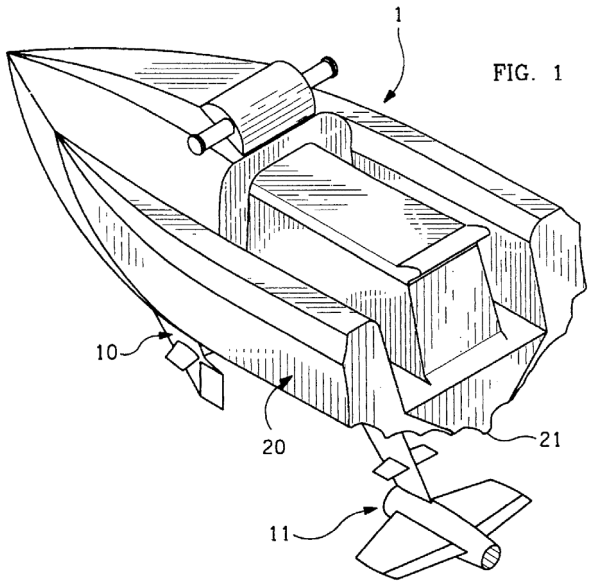
Namanny, and/or *Ehlers* anticipates (under 35 U.S.C. § 102) and/or renders obvious (under 35 U.S.C. § 103) each claim of the ’044 patent.

A person of ordinary skill in the art, at the time the ’044 patent’s alleged invention was made, would have found it obvious to combine the teachings of *Rorabaugh* with *Hull*, *Namanny*, and/or *Ehlers*, and would have been motivated to do so. The combination of teachings from those references is merely (a) the combination of prior art elements according to known methods to yield predictable results, (b) the simple substitution of known elements for one another to obtain predictable results, (c) the use of known techniques to improve similar devices in the same way, (d) the application of known techniques to known devices ready for improvement to yield predictable results, (e) obvious to try; and/or (f) known to work in one field of endeavor prompting variations for use in either the same field or a different one based on design incentives or other market forces since the variations are predictable to one of ordinary skill in the art.

6. Each of the ’659 Patent’s Claims Is Invalid Over *Rorabaugh* Alone and/or In Combination With *Hull*, *Namanny*, and/or *Ehlers*

The citations in the table below are not exhaustive, but rather are to exemplary portions of a reference or references that disclose a given claim element. Exemplary citations in the table below that reference a figure include all passages that describe any such figure.

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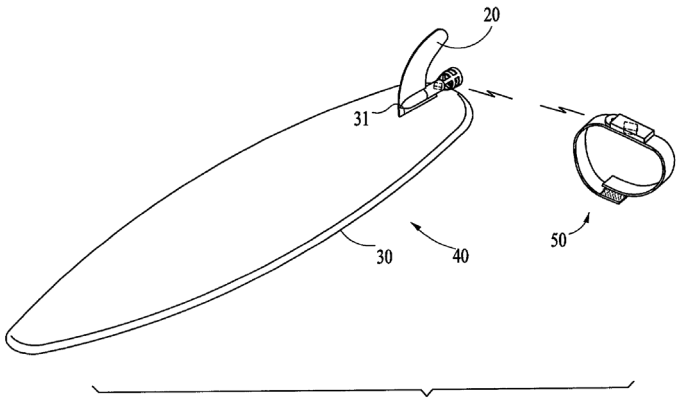
No.	'659 Claim Element	Prior Art
1(a).	A passively stable, weight-shift controlled personal hydrofoil watercraft, comprising:	*E.g.*, *Rorabaugh* Fig. 1 (reproduced below), Figs. 2–3; *Hull* Figs. 1, 4, col. 1, *ll*. 39–41 ("Sideways movement of the device is similarly controlled by slight sideways shifts of the riders body weight."). *Rorabaugh* and *Hull* disclose passively stable, weight-shift controlled personal hydrofoil watercrafts. 
1(b)(1).	a flotation device that has a fore-aft length greater than a lateral width,	*E.g.*, *Rorabaugh* Figs. 1–3; *Hull* Figs. 1, 4. *Rorabaugh* and *Hull* have flotation devices with fore-aft lengths greater than their lateral widths.
1(b)(2).	the flotation device having a top surface and a bottom surface, wherein a user can be disposed on the top surface of the flotation device in a prone, kneeling, or standing position,	*E.g.*, *Rorabaugh* Figs. 1–3; *Hull* Figs. 1, 4, 7B–7C. The claimed "a top surface and a bottom surface" are inherent to all flotation devices. Accordingly, *Rorabaugh*'s and *Hull*'s flotation devices have a top surface and a bottom surface. A user of *Rorabaugh*'s and *Hull*'s devices can be in at least a kneeling or standing position.
1(b)(3).	the flotation device having a forward section, a middle section, and a rear section;	*E.g.*, *Rorabaugh* Figs. 1–3; *Hull* Figs. 1, 4. The claimed "a forward section, a middle section, and a rear section" are inherent to all flotation devices. Accordingly, *Rorabaugh*'s and *Hull*'s flotation devices have a forward section, a middle section, and a rear section.

No.	'659 Claim Element	Prior Art
1(c).	a strut having a upper end and a lower end, the upper end fixedly interconnected with the flotation device between the middle section and the rear section of the flotation device;	*E.g.*, *Rorabaugh* Figs. 1–3; *Hull* Figs. 1, 4. *Rorabaugh*'s device has a strut. The claimed a "upper end and a lower end" are inherent to all struts. Accordingly, *Rorabaugh*'s strut has an upper end and a lower end. The upper end of *Rorabaugh*'s strut is fixedly interconnected with its flotation device between the middle section and the rear section of the flotation device.
1(d).	a hydrofoil fixedly interconnected with the lower end of the strut, the hydrofoil having no movable surface;	*E.g.*, *Rorabaugh* Figs. 1–3; *Hull* Figs. 1, 4. *Hull*'s device has a strut with a hydrofoil fixedly interconnected with its lower end. *Hull*'s hydrofoil has no movable surface.
1(e).	a propulsion system for propelling the watercraft in a body of water, wherein the propulsion system is connected to the hydrofoil; and	*E.g.*, *Rorabaugh* Figs. 1–3. *Rorabaugh* discloses a propulsion system connected to its hydrofoil.
1(f).	the watercraft having no movable steering system.	*E.g.*, *Rorabaugh* Figs. 1–3, col. 8, ll. 40–64 "[T]he area of the hull is massive relative to the control area of the hydrofoil planes. This means that control is minimal."); *Hull* Figs. 1, 4, col. 1, *ll*. 39–41 ("Sideways movement of the device is similarly controlled by slight sideways shifts of the riders body weight."). *Hull*'s device has no movable steering system.
2.	A watercraft in accordance with claim 1, wherein the propulsion system comprises a battery, an electric motor, a motor speed controller, and a propulsor, the propulsor selected from a propeller, a ducted propeller, or a pump-jet.	*E.g.*, *Rorabaugh* Figs. 1–3. *Rorabaugh*'s propulsion system can comprise a battery, an electric motor, a motor speed controller, and a propeller.
3.	A watercraft in accordance with claim 2, wherein the propulsor is disposed below the hydrofoil.	*E.g.*, *Rorabaugh* Figs. 1–3. *Rorabaugh*'s propeller can be disposed below the hydrofoil.

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No.	'659 Claim Element	Prior Art
4.	A watercraft in accordance with claim 1, wherein the hydrofoil is indirectly connected to the strut.	*E.g.*, *Rorabaugh* Figs. 1–3. *Rorabaugh*'s hydrofoil can be indirectly connected to its strut.
5.	A watercraft in accordance with claim 4, wherein the strut is directly connected to the propulsion system.	*E.g.*, *Rorabaugh* Figs. 1–3. *Rorabaugh*'s strut can be directly connected to its propulsion system.
6.	A watercraft in accordance with claim 5, wherein a first hydrofoil wing of the hydrofoil is indirectly connected to the strut through the propulsion system.	*E.g.*, *Rorabaugh* Figs. 1–3. *Rorabaugh*'s hydrofoil can be indirectly connected to the strut through the propulsion system.
7.	A watercraft in accordance with claim 4, wherein the hydrofoil comprises a plurality of wings that are interconnected by way of a strut.	*E.g.*, *Rorabaugh* Figs. 1–3. *Rorabaugh*'s hydrofoil can comprise a plurality of wings that are interconnected by way of its strut.
8.	A watercraft in accordance with claim 2, wherein the battery and motor speed controller are contained in a watertight compartment integrated into the flotation device.	*E.g.*, *Rorabaugh* Figs. 1–3. *Rorabaugh*'s battery and motor speed controller can be contained in a waterproof compartment in the flotation device.
9.	A watercraft in accordance with claim 2, wherein the electric motor is integrated into a waterproof, streamlined pod and the watercraft comprises a cooling system for cooling the electric motor.	*E.g.*, *Rorabaugh* Figs. 1–3. *Rorabaugh*'s device can contain a cooling system, and an electric motor can be integrated into its waterproof, streamlined pod.
10.	A watercraft in accordance with claim 9, wherein the waterproof, streamlined pod is removably interconnected with the hydrofoil through a fitting.	*E.g.*, *Rorabaugh* Figs. 1–3. *Rorabaugh*'s device can contain an electric motor that is removably interconnected with the hydrofoil through a fitting.

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No.	'659 Claim Element	Prior Art
11.	A watercraft in accordance with claim 8, further comprising a wireless handheld controller having a transmitter, and a throttle interface having a receiver, wherein the transmitter is adapted to send wireless signals to the receiver that cause an output of the propulsion system to change.	*E.g.*, *Namanny* Figs. 1–2 (reproduced below), 6–7, ¶¶ 14–15, 62. *Namanny* discloses a wireless remote control for controlling the speed of a motorized watercraft.  FIG. 2
12.	A watercraft in accordance with claim 1, wherein a first hydrofoil wing of the hydrofoil is directly connected to the strut.	*E.g.*, *Rorabaugh* Figs. 1–3. *Rorabaugh*'s hydrofoil can be can be directly connected to the strut.
13.	A watercraft in accordance with claim 8, wherein the strut has an internal passage and electrical wires extend from the electric motor to the watertight compartment inside the strut through the internal passage for controlling the electric motor.	*E.g.*, *Rorabaugh* Figs. 1–3. *Rorabaugh*'s strut has an internal passage, through which electrical wires (for controlling the electric motor) can extend from the electric motor to the waterproof compartment.
14.	A watercraft in accordance with claim 13, wherein the flotation device has a detector adapted to detect a user's presence on the flotation device and cease operation of the electric motor if the detector detects that the user is not on the flotation device.	*E.g.*, *Ehlers* col. 1, *ll*. 17–42 ("In the area of recreational vehicles and watercraft [dead man switches] have become common place."). *Ehlers* discloses dead man switches for use with watercraft.

No.	'659 Claim Element	Prior Art
15.	A watercraft in accordance with claim 1, wherein the propulsion system is directly or indirectly connected to the hydrofoil.	*E.g.*, *Rorabaugh* Figs. 1–3. *Rorabaugh*'s propulsion system can be directly or indirectly connected to the hydrofoil.
16(a).	A personal hydrofoil watercraft, comprising:	*E.g.*, *Rorabaugh* Fig. 1 (reproduced below), Figs. 2–3; *Hull* Figs. 1, 4, col. 1, *ll*. 39–41 ("Sideways movement of the device is similarly controlled by slight sideways shifts of the riders body weight."). *Rorabaugh* and *Hull* disclose passively stable, weight-shift controlled personal hydrofoil watercrafts.
16(b)(1).	a surfboard-shaped flotation device that has a fore-aft length greater than a lateral width,	*E.g.*, *Rorabaugh* Figs. 1–3; *Hull* Figs. 1, 4. *Rorabaugh* and *Hull* have surfboard-shaped flotation devices with fore-aft lengths greater than their lateral widths.
16(b)(2).	the flotation device having a top surface and a bottom surface, wherein the top surface has a substantially horizontal supporting surface configured to support a user in a prone, kneeling, or standing position,	*E.g.*, *Rorabaugh* Figs. 1–3; *Hull* Figs. 1, 4, 7B–7C. The claimed "a top surface and a bottom surface" are inherent to all flotation devices. Accordingly, *Rorabaugh*'s and *Hull*'s flotation devices have a top surface and a bottom surface; the top surface is substantially horizontal. A user of *Rorabaugh*'s and *Hull*'s devices can be in at least a kneeling or standing position.
16(b)(3).	the flotation device having a forward section, a middle section, and a rear section;	*E.g.*, *Rorabaugh* Figs. 1–3; *Hull* Figs. 1, 4. The claimed "a forward section, a middle section, and a rear section" are inherent to all flotation devices. Accordingly, *Rorabaugh*'s and *Hull*'s flotation devices have a forward section, a middle section, and a rear section.
16(c)(1).	a hydrofoil interconnected with the surfboard-shaped flotation device,	*E.g.*, *Rorabaugh* Figs. 1–3; *Hull* Figs. 1, 4. *Rorabaugh*'s and *Hull*'s devices have hydrofoils interconnected with their flotation device.
16(c)(2).	the hydrofoil having a strut and a first hydrofoil wing, an upper end of the strut being fixedly interconnected with the surfboard-shaped flotation device;	*E.g.*, *Rorabaugh* Figs. 1–3; *Hull* Figs. 1, 4. *Rorabaugh*'s device has a strut. The claimed a "upper end" is inherent to all struts. Accordingly, *Rorabaugh*'s strut has an upper end. The upper end of *Rorabaugh*'s strut is fixedly interconnected with its flotation device.

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No.	'659 Claim Element	Prior Art
16(d)(1).	a propulsion system attached to the surfboard-shaped flotation device for propelling the watercraft in a body of water,	*E.g.*, *Rorabaugh* Figs. 1–3. *Rorabaugh* discloses a propulsion system connected to its flotation device.
16(d)(2).	the propulsion system comprising a battery, an electric motor, a motor speed controller, and a propulsor, wherein the propulsor is selected from a propeller, a ducted propeller, or a pump-jet,	*E.g.*, *Rorabaugh* Figs. 1–3. *Rorabaugh*'s propulsion system can comprise a battery, an electric motor, a motor speed controller, and a propeller.
16(d)(3).	and the battery and motor speed controller are contained in a watertight compartment integrated into the flotation device;	*E.g.*, *Rorabaugh* Figs. 1–3. *Rorabaugh*'s battery and motor speed controller can be contained in a waterproof compartment in the flotation device.
16(e).	the watercraft having no movable steering system;	*E.g.*, *Rorabaugh* Figs. 1–3, col. 8, ll. 40–64 "[T]he area of the hull is massive relative to the control area of the hydrofoil planes. This means that control is minimal."); *Hull* Figs. 1, 4, col. 1, *ll*. 39–41 ("Sideways movement of the device is similarly controlled by slight sideways shifts of the riders body weight."). *Hull*'s device has no movable steering system.
16(f).	a handheld controller having a throttle; and	*E.g.*, *Namanny* Figs. 1–2 (reproduced below), 6–7, ¶¶ 14–15, 62. *Namanny* discloses a wireless remote control for controlling the speed of a motorized watercraft.
16(g).	a throttle interface, wherein the throttle is adapted to send electronic signals to the throttle interface that cause an output of the propulsion system to change.	*E.g.*, *Namanny* Figs. 1–2 (reproduced below), 6–7, ¶¶ 14–15, 62. *Namanny* discloses a wireless remote control for controlling the speed of a motorized watercraft.

No.	'659 Claim Element	Prior Art
17.	A watercraft in accordance with claim 16, wherein the hydrofoil comprises a plurality of hydrofoil wings including the first hydrofoil wing and a second hydrofoil wing, the first and second hydrofoil wings being connected by way of a strut.	*E.g.*, *Rorabaugh* Figs. 1–3. *Rorabaugh*'s hydrofoil can comprise a plurality of wings that are interconnected by way of its strut.
18.	A watercraft in accordance with claim 16, wherein the watercraft comprises a cooling system for cooling the electric motor.	*E.g.*, *Rorabaugh* Figs. 1–3. *Rorabaugh*'s device can contain a cooling system.
19.	A watercraft in accordance with claim 16, wherein the strut has an internal passage and electrical wires extend from the electric motor to the watertight compartment inside the strut through the internal passage for controlling electric motor.	*E.g.*, *Rorabaugh* Figs. 1–3. *Rorabaugh*'s strut has an internal passage, through which electrical wires (for controlling the electric motor) can extend from the electric motor to the waterproof compartment.
20.	A watercraft in accordance with claim 16, wherein the handheld controller comprises a wireless transmitter operatively coupled to the throttle and the throttle interface includes a receiver, the transmitter being adapted to send wireless signals to the receiver in response to actuation of the throttle that cause an output of the propulsion system to change.	*E.g.*, *Namanny* Figs. 1–2 (reproduced below), 6–7, ¶¶ 14–15, 62. *Namanny* discloses a wireless remote control for controlling the speed of a motorized watercraft.

As shown in the chart above, *Rorabaugh* alone and/or in combination with *Hull*, *Namanny*, and/or *Ehlers* anticipates (under 35 U.S.C. § 102) and/or renders obvious (under

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35 U.S.C. § 103) each claim of the ’659 patent.

A person of ordinary skill in the art, at the time the ’659 patent’s alleged invention was made, would have found it obvious to combine the teachings of *Rorabaugh* with *Hull*, *Namanny*, and/or *Ehlers*, and would have been motivated to do so. The combination of teachings from those references is merely (a) the combination of prior art elements according to known methods to yield predictable results, (b) the simple substitution of known elements for one another to obtain predictable results, (c) the use of known techniques to improve similar devices in the same way, (d) the application of known techniques to known devices ready for improvement to yield predictable results, (e) obvious to try; and/or (f) known to work in one field of endeavor prompting variations for use in either the same field or a different one based on design incentives or other market forces since the variations are predictable to one of ordinary skill in the art.

II. The ’044 Patent’s and the ’659 Patent’s Claims Are Indefinite

Each claim of the ’044 patent and each claim of the ’659 patent are invalid under 35 U.S.C. § 112 ¶ 2 because when viewed in light of the specification and prosecution history, they fail to inform those skilled in the art about the scope of the invention with reasonable certainty. The following claim terms, for example, render indefinite and, thus, invalidate the claim(s) in which they appear:

- “a hydrofoil” (’044 patent, claim 1),
- “designed to provide passive static stability controlled solely by weight shift of the user” (’044 patent, claim 1),
- “a throttle interface” (’044 patent, claim 15; ’659 patent, claims 11, 16);
- “A passively stable, weight-shift controlled personal hydrofoil watercraft” (’659 patent, claim 1).

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III. The ’044 Patent’s and the ’659 Patent’s Means-Plus-Function Elements Are Indefinite for Lack of Adequate Corresponding Structure

Claim 15 of the ’044 patent and claims 11 and 16–20 of the ’659 patent are invalid under 35 U.S.C. § 112 ¶ 6 because they fail to recite sufficiently definite structure or else recite function without reciting sufficient structure for performing that function. The following claim terms, for example, lack adequate corresponding structure and, thus, invalidate the claim(s) in which they appear:

- “a throttle interface” (’044 patent, claim 15; ’659 patent, claims 11, 16).

IV. Accompanying Document Production

In accordance with the Court’s Scheduling Order (ECF No. 19), Waydoo has or will soon produce the following items:

- All prior art referenced in these invalidity contentions: Production numbers provided above;
- Technical documents sufficient to show the operation of the accused product(s) identified by plaintiff in its infringement contentions: WD000001–WD000056.

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Respectfully submitted,

Dated: October 8, 2021

By: */s/ Robert E. Colletti*

Edgar H. Haug
Robert E. Colletti
Mark A. Basanta
Roman Khasidov
HAUG PARTNERS LLP
745 Fifth Avenue, 10th Floor
New York, NY 10151
Telephone: (212) 588-0800
Facsimile: (212) 588-0500
ehaug@haugpartners.com
rcolletti@haugpartners.com
mbasanta@haugpartners.com
rkhasidov@haupartners.com

Kelly E. Farnan (#4395)
Richards, Layton & Finger, P.A.
One Rodney Square
920 N. King Street
Wilmington, DE 19801
(302) 651-7700
farnan@rlf.com

Attorneys for Defendant Waydoo USA, Inc. and Defendant/Counter Plaintiff Shenzhen Waydoo Intelligence Technology Co., Ltd.

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CERTIFICATE OF SERVICE

On this 8th day of October, 2021, a true and correct copy of the foregoing was served by electronic mail on the following attorneys for the plaintiff:

Blake A. Bennett (#5133)
bbennett@coochtaylor.com
COOCH AND TAYLOR, P.A.
The Nemours Building
1007 N. Orange Street, Suite 1120
Wilmington, DE 19899
Telephone: (302) 984-3889

Dennis D. Murrell (KY 84017, *pro hac vice)*
dmurrell@middletonlaw.com
Robert J. Theuerkauf (KY 89068, *pro hac vice)*
rjt@middletonlaw.com
Daniel W. Redding (KY 93234, *pro hac vice*)
dredding@middletonlaw.com
MIDDLETON REUTLINGER
401 S. Fourth Street, Suite 2600
Louisville, Kentucky 40202-3410
Telephone: (502) 584-1135
Facsimile: (502) 561-0442

Attorneys for Plaintiff/Counter Defendant, MHL Custom, Inc.