

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of: Orvell B. Reynolds
U.S. Patent No.: 10,632,815 Attorney Docket No.: 44006-0001IP1
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Title: AIR CONDITIONING SYSTEM FOR AN OPEN
MOTORIZED VEHICLE

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**PETITION FOR *INTER PARTES* REVIEW OF UNITED STATES PATENT
NO. 10,632,815 PURSUANT TO 35 U.S.C. §§ 311–319, 37 C.F.R. § 42**

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EXHIBITS

CI-1001	U.S. Patent No. 10,632,815 to Reynolds
CI-1002	Excerpts from the Prosecution History of the '815 Patent
CI-1003	Declaration of Roelof deVries
CI-1004	<i>Toro Groundsmaster® 5900/5910; Comfort Zone</i> , YouTube Video, May 2, 2013, <i>available at</i> https://www.youtube.com/watch?v=aRQmaadM6Mo (“Toro Video”)
CI-1005	<i>Service Manual: Groundsmaster® 5900 & 5910</i> , The Toro Company, 2009 (“Toro Manual”)
CI-1006	<i>He Mows Grass In Air-Conditioned Comfort</i> , Farm Show Magazine, 2003 (“Judice”)
CI-1007	U.S. Pub. No. 2015/0165875 (“Uchida”)
CI-1008	Declaration of June Ann Munford
CI-1009	Declaration of Kathryn Talbot
CI-1010	USPTO, First Inventor to File (FITF) Comprehensive Training presentation, <i>available at</i> https://www.uspto.gov/sites/default/files/aia_implementation/fitf_comprehensive_training_prior_art_under_aia.pdf
CI-1011	Toro Europe YouTube channel, <i>available at</i> https://www.youtube.com/@ToroEurope/videos
CI-1012	Screen capture of the archived version of Exhibit CI-1005 captured by the Internet Archive on February 3, 2010, <i>available at</i> https://web.archive.org/web/20100203203155/http://toro.com/customercare/commercial/education/pdf/08159sl.pdf

- CI-1013 Screen Capture of Toro Product Information Center captured by the Internet Archive on February 2, 2010, *available at* <https://web.archive.org/web/20100202073353/https://landscape.resolutions.toro.com/portal/server.pt?open=512&objID=232&PageID=0&cached=true&mode=2&userID=20161#>
- CI-1014 Screen Capture of Farm Show, Volume 27, Issue 3, 2003 captured by the Internet Archive on November 21, 2011, *available at* https://web.archive.org/web/20111121195914/http://www.farmshow.com/view_issue.php?i_id=67&vol=27&number=3&year=2003
- CI-1015 Patent Owner's Infringement Contentions
- CI-1016 Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation, Katherine K. Vidal (USPTO June 21, 2022), *available at* https://www.uspto.gov/sites/default/files/documents/interim_proc_discretionary_denials_aia_parallel_district_court_litigation_memo_20220621_.pdf
- CI-1017 Stipulation
- CI-1018 Bernard Nagengast, 100 Years of Air Conditioning, ASHRAE Journal (June 2002)
- CI-1019 Guy Reynolds, *Flashback: The Power Mower of the Future way back in 1957*, THE DALLAS MORNING NEWS, Apr. 28, 2016, *available at* <https://www.dallasnews.com/photos/2016/04/28/flashback-the-power-mower-of-the-future-way-back-in-1957/>
- CI-1020 Owner's Manual: Model No's EM/2 60, EM/2 72, Farm Star, captured by the Internet Archive on Sept. 23, 2010, *available at* <https://web.archive.org/web/20100923090839/http://www.farmstar.com/Manuals/fmower-fs.pdf>

- CI-1021 Heavy Duty Air Conditioning Service Manual, Badger Truck Refrigeration Inc. (Feb. 1, 2011), *available at* <https://www.btrac.com/documents/svc-manual-revision-i-feb-2011.pdf>
- CI-1022 Bart Hammig, et al., *Injuries associated with the use of riding mowers in the United States, 2002-2007*, 40 JOURNAL OF SAFETY RESEARCH 371 (2009)
- CI-1023 AutoROPS is designed to prevent tractor and riding-mower rollovers, Consumer Reports (June 9, 2009), *available at* <https://www.consumerreports.org/cro/news/2009/06/autorops-is-designed-to-prevent-tractor-and-riding-mower-rollovers/index.htm>

LISTING OF CHALLENGED CLAIMS

Claim 1	
[1.pre]	An enclosure system for a lawnmower, the system comprising:
[1.1]	a cab assembly having a front wall, a first sidewall, a second sidewall, and a ceiling that collectively define an interior volume,
[1.2]	wherein the cab assembly is adapted to secure to a mower frame of the lawn mower such that a user may occupy the interior volume while operating the lawn mower; and
[1.3]	an air conditioning unit configured to produce conditioned air,
[1.4]	wherein the air conditioning unit is adapted to be powered in part by rotary motion transmitted from an engine of the lawn mower,
[1.5]	the air conditioning unit being secured in relation to the cab assembly such that conditioned air produced by the air conditioning unit is emitted directly into the interior volume,
[1.6]	wherein one or more components of the air conditioning unit define a rear wall disposed opposite the front wall,
[1.7]	wherein the cab assembly includes a lower frame adapted to be secured to the mower frame such that when the lower frame is secured to the mower frame the front wall is disposed in front of an operator seat of the lawn mower and the rear wall is disposed behind the operator seat; and
[1.8]	wherein the cab assembly has a height that increases as the cab assembly extends from the rear wall to the front wall.
Claim 3	
3	The system of claim 1, wherein the first sidewall and the second sidewall each have a first end proximal to the front wall and a second end opposite the first end, wherein a height of the first sidewall and the second sidewall decreases as each sidewall extends from the first end to the second end.
Claim 4	
4	The system of claim 1, wherein at least one of the first sidewall, the second sidewall, and the front wall is semi-transparent.

The '815 patent claims nothing more than a trivial modification to known air-conditioned lawn mower cabs. The Board should cancel the challenged claims.

I. REQUIREMENTS FOR IPR UNDER 37 C.F.R. § 42.104

A. Grounds for Standing Under 37 C.F.R. § 42.104(a)

Curtis Industries, LLC (“Petitioner”) certifies that the '815 patent is available for IPR. Petitioner is not barred or estopped from requesting this review.

B. Challenge Under 37 C.F.R. § 42.104(b) and Relief Requested

Petitioner requests IPR of the challenged claims on two grounds. Roelof deVries explains these grounds in his supporting declaration (Ex. CI-1003).

Ground	Claims	Basis
1	1, 3, 4	§ 103 – Toro Video, Toro Manual, and Judice
2	1, 3, 4	§ 103 –Toro Video, Toro Manual, and Uchida

Each reference pre-dates the '815 patent's earliest possible effective filing date of July 18, 2013, and qualifies as prior art.

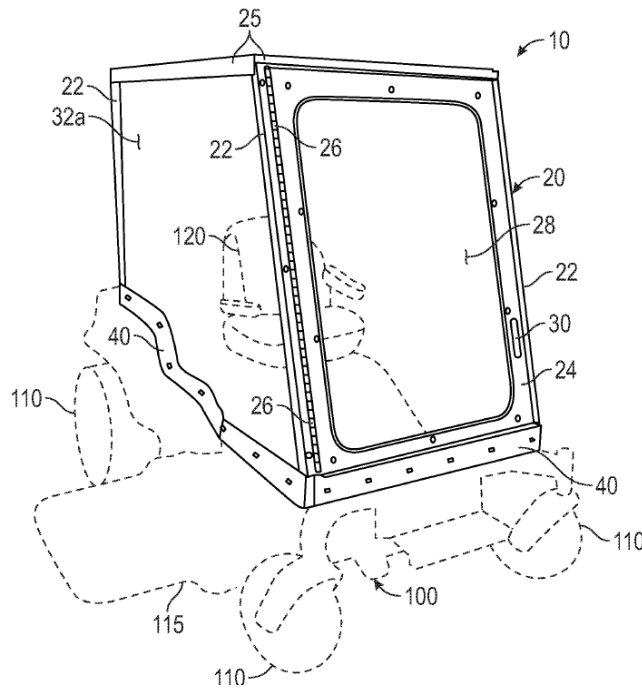
Reference	Date	Prior Art Under
Toro Video (Ex. CI-1004)	May 2, 2013 (published)	§ 102(a)(1)
Toro Manual (Ex. CI-1005)	February 3, 2010 (published)	§ 102(a)(1)
Judice (Ex. CI-1006)	May-June 2003 (published)	§ 102(a)(1)
Uchida (Ex. CI-1007)	February 19, 2013 (filed)	§ 102(a)(2)

Toro Video (Ex. CI-1004) is a YouTube video of two Toro lawn mowers: the Groundsmaster 5900 and 5910. Toro Manual (Ex. CI-1005) is a service manual for the same Toro lawn mowers. Petitioner relies on the portions of Toro Video and Toro Manual describing the Groundsmaster 5910.

Judice (Ex. CI-1006) is an article from Farm Show Magazine titled, “He Mows Grass In Air-Conditioned Comfort.” Uchida (Ex. CI-1007) is a published United States national stage application that was filed on February 19, 2013, and claims priority to a PCT application filed on May 28, 2012.

II. SUMMARY OF THE ’815 PATENT

The ’815 patent claims an air-conditioned cab for a lawn mower. Ex. CI-1001 at 10:2-27. It comprises a cab assembly and an A/C unit. *Id.* at 10:4-16. The cab assembly has a front wall, two sidewalls, and a ceiling. *Id.* at 10:4-6. The A/C unit defines the rear wall and is powered in part by rotary motion transmitted from the lawn mower’s engine. *Id.* at 10:11-18. The cab assembly has a lower frame secured to the lawn mower frame. *Id.* at 10:19-24. It also has a height that increases from back to front. *Id.* at 10:25-27.



Id., Fig. 1.

The examiner issued three rejections before allowing the claims. Ex. CI-1002. The examiner neither evaluated nor based any rejections on any prior art pertaining to lawn mowers, let alone an air-conditioned cab for a lawn mower. *See id.* The examiner did not articulate any reasons for allowance.

III. CLAIM CONSTRUCTION

For purposes of this proceeding only, Petitioner submits that the Board need not construe any claim terms to address the identified grounds. *See Wellman, Inc. v. Eastman Chem. Co.*, 642 F.3d 1355, 1361 (Fed. Cir. 2011). Petitioner may respond to any constructions offered by Patent Owner or adopted by the Board. *Axonics, Inc. v. Medtronic, Inc.*, 75 F.4th 1374, 1383 (Fed. Cir. 2023).

IV. LEVEL OF ORDINARY SKILL IN THE ART

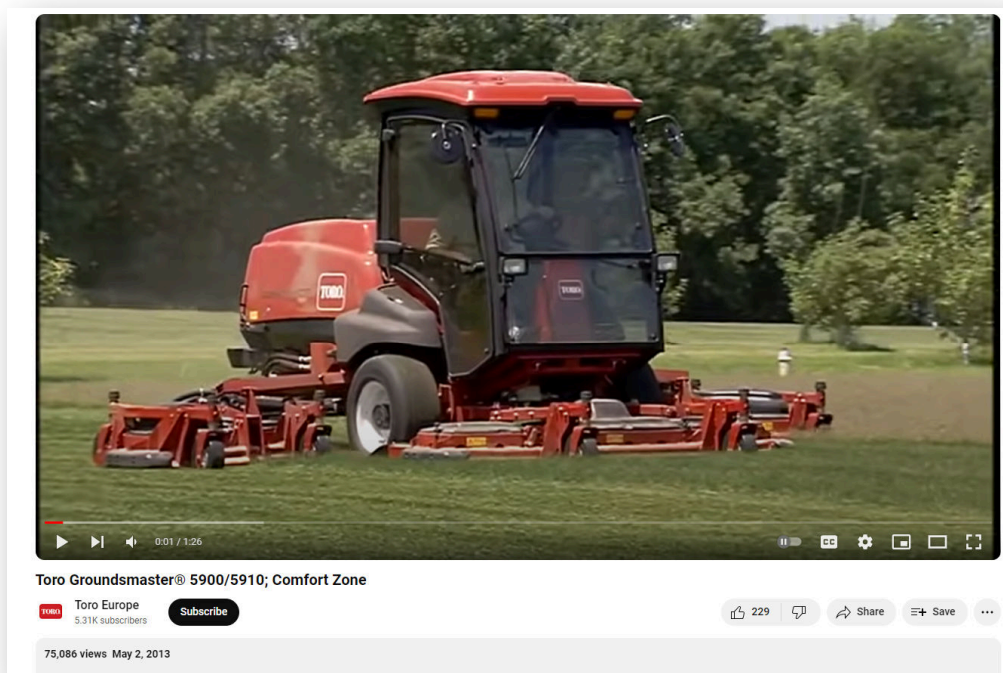
A person of ordinary skill in the art would have had at least a Bachelor of Science degree in mechanical engineering or a related discipline, with at least one year of experience in a field related to off-road vehicles. Ex. CI-1003, ¶ 23. More education could substitute for work experience, and vice versa. *Id.*

V. THE CHALLENGED CLAIMS WOULD HAVE BEEN OBVIOUS

A. Ground 1: Claims 1, 3, and 4 Would Have Been Obvious Over Toro Video, Toro Manual, and Judice

1. Overview of Toro Video

Toro Video is a YouTube video advertising the Toro Groundsmaster 5910, a lawn mower equipped with an air-conditioned operator cab:



Ex. CI-1004.

Toro Video states and shows that the A/C unit is “built into the headliner”
(roof) of the cab:



Id. at 0:35-43.

Toro Video was not before the examiner during prosecution of the '815 patent.

(a) Toro Video Is Prior Art

Toro Video is prior art to the '815 patent under § 102(a)(1) because it is a printed publication that was publicly accessible as of May 2, 2013.

A YouTube video can qualify as a printed publication under 35 U.S.C. § 102(a)(1). *See* MPEP § 2128(II)(A) (“An electronic publication, including an online database or Internet publication (e.g., discussion group, forum, ***digital video***,

or social media post), is considered to be a ‘printed publication’ within the meaning of 35 U.S.C. 102(a)(1) . . . provided the publication was accessible to persons concerned with the art to which the document relates.” (emphasis added)); Ex. CI-1010 at 15 (“[A] YouTube video . . . may also qualify as a printed publication under AIA.”); *Foil Boarding Co. v. MHL Custom Inc.*, IPR2024-00086, Paper 12 at 29 (PTAB May 28, 2024) (finding reasonable likelihood that YouTube videos were prior-art printed publications).

The Board may rely on the date listed on the face of a YouTube video as evidence of its date of publication and public accessibility because YouTube is a well-known, searchable platform for publishing videos on the Internet. *See* Ex. CI-1009, ¶ 2; *cf. Ericsson Inc. v. Intellectual Ventures I LLC*, IPR2014-00527, Paper 41 at 10-11 (PTAB May 18, 2015) (holding date on face of publication was evidence of publication date and public accessibility because publisher was “a well-known, reputable compiler and publisher”). Indeed, the Board has determined that the date listed on a YouTube video is the date that the video “was available to the public.” *Mission Integrated Tech. LLC, v. Clemente*, IPR2023-01285, Paper 16 at 19, 22-23 (PTAB Feb. 23, 2024); *see also K/S HIMPP v. BRAGI GmbH*, IPR2023-00901, Paper 14 at 15 (PTAB Nov. 13, 2023); *Danxiao Info. Tech. Ltd. v. Shenzhen Svakom Tech. Co.*, PGR2022-00050, Paper 36 at 6 n.3 (PTAB Jan. 19, 2024). And YouTube’s parent company, Google LLC, has testified to the Board

that “the date listed under a video is the date it was published and, if the video was posted publicly, that is the date on which it became available to anyone for viewing.” *London Luxury LLC v. E&E Co.*, PGR2021-00083, Ex. 1013, ¶ 3; *Structural Wrap, LLC v. Sys. Stormseal Pty Ltd.*, IPR2024-00084, Ex. 1049. Accordingly, the Board may accept the date listed on the face of a YouTube video as evidence of its date of publication and public accessibility.

Here, Toro Video on its face has a publication date of May 2, 2013, before the earliest possible effective filing date of the ’815 patent (July 18, 2013). Ex. CI-1004. Because YouTube is an established publisher, “there is a presumption of public accessibility as of the publication date.” *VidStream LLC v. Twitter, Inc.*, 981 F.3d 1060, 1065-66 (Fed. Cir. 2020) (citation omitted). Moreover, Toro Video has been viewed more than **75,000** times and was posted on Toro Europe’s YouTube page, which has more than **5,000** subscribers. Ex. CI-1004; Ex. CI-1011. As Kathryn Talbot explains, persons interested and ordinarily skilled in the art exercising reasonable diligence could have easily located Toro Video using YouTube’s powerful search functionality and/or by browsing Toro Europe’s popular YouTube page. Ex. CI-1009, ¶¶ 13-22. Therefore, Toro Video is prior art under § 102(a)(1) as a printed publication.

2. Overview of Toro Manual

Toro Manual is a service manual for the same Toro air-conditioned lawn mower shown in Toro Video, the Groundsmaster 5910:



Ex. CI-1005 at Cover.

Toro Manual was not before the examiner during prosecution of the '815 patent.

(a) Toro Manual Is Prior Art

Toro Manual is prior art to the '815 patent under § 102(a)(1) because it is a printed publication that was publicly accessible as of at least February 3, 2010. On that date, the Wayback Machine captured Toro Manual on Toro's website. Ex. CI-1012. Toro Manual was therefore publicly accessible no later than February 3, 2010. Ex. CI-1008, ¶ 17; *see also* MPEP § 2128(II)(E) ("Prior art obtained via the Wayback Machine sets forth a *prima facie* case that the art was publicly accessible at the date and time provided in the time stamp."); *Valve Corp. v. Ironburg Inventions Ltd.*, 8 F.4th 1364, 1374-75 (Fed. Cir. 2021) ("District courts have taken judicial notice of the contents of webpages available through the Wayback Machine 'as facts that can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.'" (quoting *Erickson v. Neb. Mach. Co.*, No. 15-CV-01147-JD, 2015 WL 4089849, at *1 n.1 (N.D. Cal. July 6, 2015))). Persons interested and ordinarily skilled in the art could easily have located Toro Manual through reasonable diligence because Toro was (and still is) a popular lawn mower manufacturer, and its website is both open to the public and readily locatable (e.g., using a search engine like Google). Ex. CI-1003, ¶ 35. Moreover, Toro's website at the time included a search function for interested skilled artisans to "find . . . manuals." Ex. CI-1013. Accordingly, Toro Manual is prior art under § 102(a)(1) as a printed publication.

3. Overview of Judice

Judice is an article from Farm Show Magazine describing an air-conditioned lawn mower that Robert Judice built in 2001:



Ex. CI-1006 at 27.

Unlike the Toro mower, the Judice mower has its A/C unit on the rear wall of the cab. *Id.* (“The evaporator coil is off an old Ford car and is located in back, just above the rear window.”).

Judice was not before the examiner during prosecution of the ’815 patent.

(a) Judice Is Prior Art

Judice is prior art under § 102(a)(1). Judice appears in the “May-June, 2003” issue of Farm Show Magazine. Ex. CI-1006 at 2. The Minnesota Historical Society has a copy of the issue and made it available to the public shortly after its initial release. Ex. CI-1008, ¶¶ 7-9; *GoPro, Inc. v. Contour IP Holding LLC*, 908 F.3d 690, 693 (Fed. Cir. 2018) (“[W]e have determined that a single cataloged thesis in a university library was ‘sufficiently accessible to those interested in the art exercising reasonable diligence.’” (citing *In re Hall*, 781 F.2d 897, 900 (Fed. Cir. 1986))). Moreover, on November 21, 2011, the Wayback Machine captured a website from which the relevant issue was available for download. Ex. CI-1014; Ex. CI-1008, ¶¶ 11-12; MPEP § 2128(II)(E); *Valve*, 8 F.4th at 1374-75. Because an interested skilled artisan exercising reasonable diligence could have located Judice by subscribing to Farm Show Magazine, visiting the Minnesota Historical Society, or browsing Farm Show Magazine’s website, Judice is prior art under § 102(a)(1).

4. Reasons to Combine Toro Video and Toro Manual

Toro Video and Toro Manual describe the same lawn mower, the Toro Groundsmaster 5910. *See generally* Ex. CI-1004; Ex. CI-1005. A skilled artisan seeking to understand, replicate, or improve upon the Groundsmaster 5910 would have looked to both references to paint a complete picture of the mower in his mind. Ex. CI-1003, ¶ 38. Indeed, Toro Video provides details that Toro Manual

does not, and vice versa. For example, whereas Toro Manual provides only one still image of the Groundsmaster 5910, Ex. CI-1005 at Cover, Toro Video is a video showing the mower in action from multiple viewpoints, *see generally* Ex. CI-1004. Conversely, whereas Toro Video shows a fully assembled Groundsmaster 5910 from the outside, Toro Manual describes the internal components of the mower. *See generally* Ex. CI-1004; Ex. CI-1005. Because of their complementary disclosures describing the same lawn mower, a skilled artisan would have been motivated to combine the teachings of Toro Video and Toro Manual.

A skilled artisan also would have had a reasonable expectation of success in combining the teachings of Toro Video and Toro Manual. Because both references describe the same lawn mower and show it in operation, a skilled artisan would have known that combining the references was not only achievable, but also had already been achieved by others. Ex. CI-1003, ¶ 39. A skilled artisan also would have viewed this combination as requiring no more than routine skill since it had already been done. *Id.* Accordingly, a skilled artisan would have had a reasonable expectation of success in achieving the combination.

5. Reasons to Modify the Toro Combination in View of Judice

A skilled artisan would have been motivated to modify the lawn mower of the Toro references in view of Judice by repositioning the A/C unit from the roof to the rear wall. *See* Ex. CI-1003, ¶¶ 40-49.

A skilled artisan would have looked to the Toro references and Judice together because they are in the same technical field (air-conditioned lawn mowers) and address the same problem (operator comfort). *Id.*, ¶ 41 citing (Ex. CI-1006 at 27 (touting that Judice’s cab allows the operator to “mow[] grass in air-conditioned comfort” (capitalization normalized)); Ex. CI-1004 at 0:00-17 (“When it comes to the long hours of big mowing jobs, there’s no question that a happy, comfortable operator is a productive, safe operator. The 5910 model brings it all together with a climate-controlled operator space that is second to none in the industry.”)).

In weighing the benefits of the solutions that the Toro references and Judice teach, a skilled artisan would have recognized that positioning the A/C unit on the rear wall of the cab, as Judice discloses, has several advantages over positioning the A/C unit on the roof of the cab, as the Toro references disclose. Ex. CI-1003, ¶ 42. **First**, this modification would reduce the overall height of the cab, which a skilled artisan would have wanted because Toro Video suggests that “increased clearance under trees and storage areas” was desirable. *Id.*, ¶ 43 (citing Ex. CI-1004 at 0:35-0:43). **Second**, a skilled artisan would have recognized that positioning the A/C unit on the rear wall would protect it from branch strikes and other damage from overhead obstacles that lawn mowers encounter. *Id.*, ¶ 44. **Third**, a skilled artisan would have known that moving the A/C unit from the roof

to the rear wall would shorten the coolant lines to and from the compressor located in the engine compartment, thus decreasing both cost and the probability of coolant leaks. *Id.*, ¶ 45. **Fourth**, a skilled artisan would have realized that moving the A/C unit from the roof to the rear wall would lower the mower's center of gravity and therefore decrease the risk of rollover—a known concern given that Toro Video touts its “built-in four-post ROPS [rollover protection system].” *Id.*, ¶ 46 (citing Ex. CI-1004 at 0:18-24). **Fifth**, a skilled artisan would have known that in the event of a rollover, having the A/C unit on the rear wall would minimize the likelihood of it being crushed. Ex. CI-1003, ¶ 47. Because of these benefits, a skilled artisan would have been motivated to reposition the Toro references' A/C unit from the roof to the rear wall in view of Judice.

Alternatively, moving the A/C unit from the roof to the rear wall would have been “obvious to try.” *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 421 (2007). “When there is a design need or market pressure to solve a problem and there are a finite number of identified, predictable solutions, a person of ordinary skill has good reason to pursue the known options within his or her technical grasp.” *Id.* Here, the Toro references and Judice show (1) there was a design need or market pressure to equip lawn mower cabs with A/C units, and (2) there were only a finite number of identified, predictable solutions: position the A/C unit on either the roof or the rear wall. Ex. CI-1003, ¶ 48. A skilled artisan would not have considered

locating the A/C unit on the front or side walls a feasible solution because it would have obstructed the driver's view. *Id.* Accordingly, a skilled artisan would have had "good reason" to pursue Judice's solution of locating the A/C unit on the rear wall. *KSR*, 550 U.S. at 421.

A skilled artisan also would have had a reasonable expectation of success in moving the A/C unit to the rear wall. Ex. CI-1003, ¶ 49. This modification would have been a routine design change because it merely relocates Toro's existing A/C unit to a different part of the cab, without changing its function or operating principles. *Id.* Judice demonstrates that the modification could be done on a farm using parts scavenged from an old car. *Id.* (citing Ex. CI-1006 at 27 ("The evaporator coil is off an old Ford car and is located in back, just above the rear window.")). Therefore, a skilled artisan would have reasonably expected success with this modification.

6. Independent Claim 1

(a) [1.pre]: An enclosure system for a lawn mower, the system comprising:

The Toro-Judice combination discloses an enclosure system for a lawn mower. Ex. CI-1003, ¶¶ 50-55. For example, Toro Video discloses a "Fully Enclosed Cab" (*enclosure system*) for a "mowing" vehicle (*lawn mower*):



Ex. CI-1004 at 0:21; *see also id.* at 0:00-03 (stating the vehicle is for “mowing”);

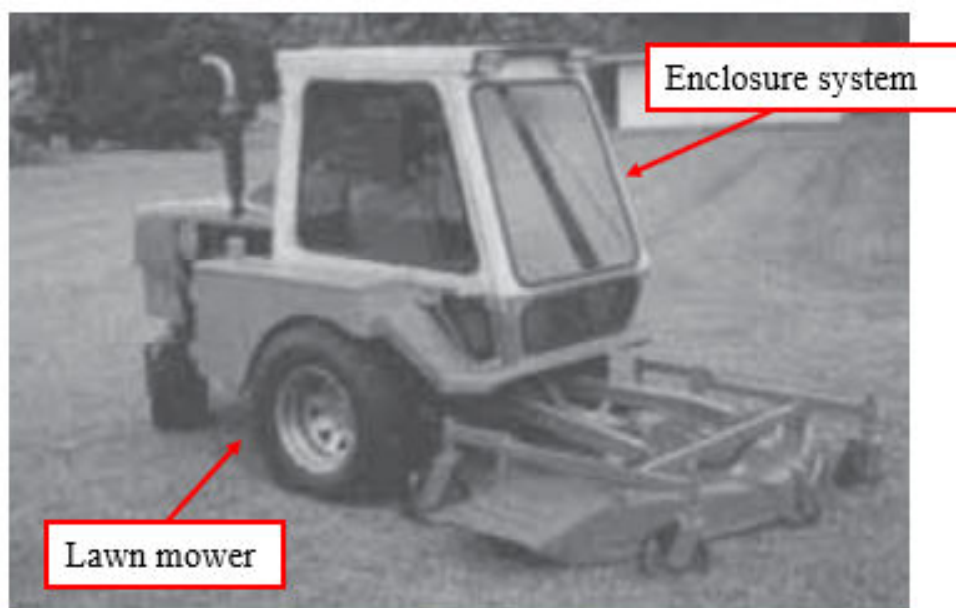
Ex. CI-1003, ¶ 51 (explaining that the above vehicle is a lawn mower).

Moreover, Toro Manual discloses the same cab (*enclosure system*) for the same lawn mower as Toro Video:



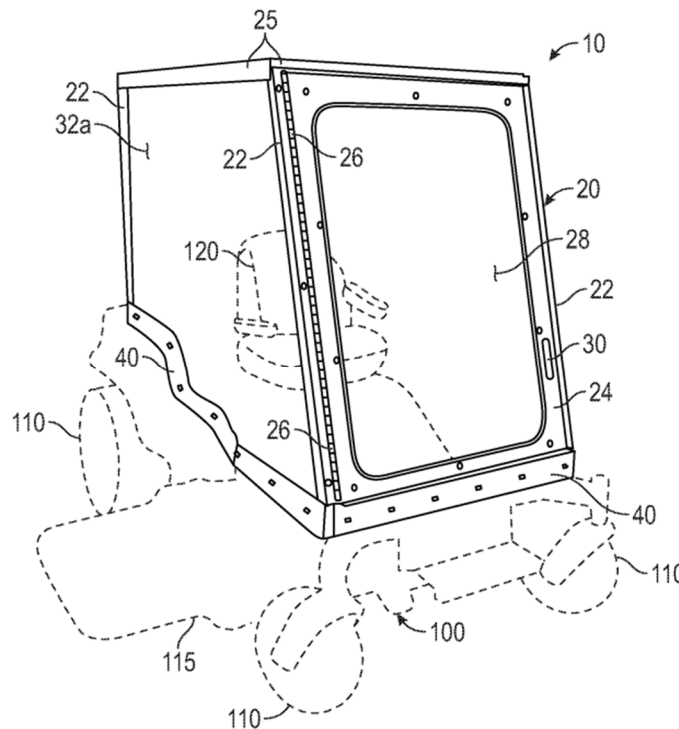
Ex. CI-1005 at Cover.

Likewise, Judice discloses a fully enclosed “cab” (*enclosure system*) for a “zero turn riding mower” (*lawn mower*). Ex. CI-1006 at 27.



Id. (annotations added).

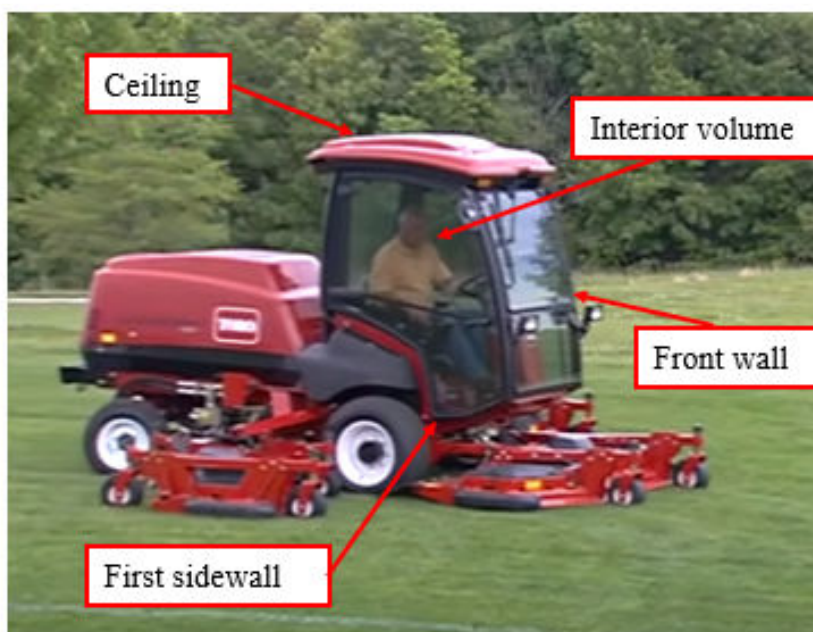
Notably, the above images resemble Figure 1 of the '815 patent, which “is an environmental view of one embodiment of the disclosed air conditioning system for an open motorized vehicle according to the present invention”:



Ex. CI-1001 at Fig. 1, 2:38-40.

(b) [1.1]: a cab assembly having a front wall, a first sidewall, a second sidewall, and a ceiling that collectively define an interior volume,

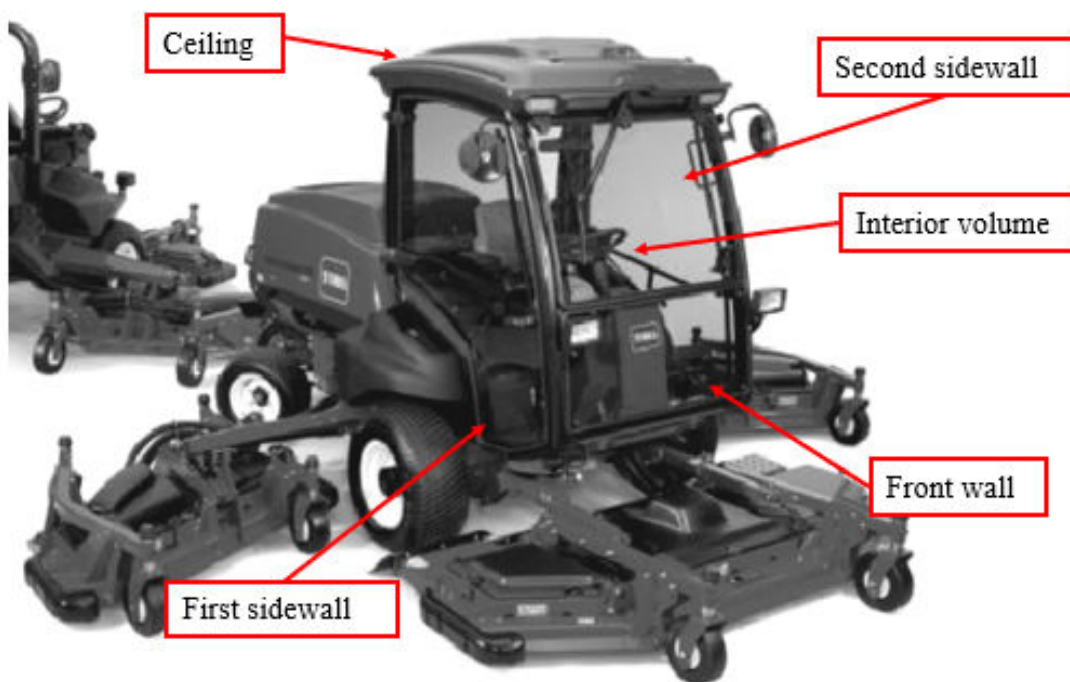
The Toro-Judice combination discloses this limitation. Ex. CI-1003, ¶¶ 56-58. Both the Toro and Judice enclosure systems comprise a cab assembly having a front wall, two sidewalls (*a first sidewall* and *a second sidewall*), and a ceiling that collectively define an interior volume:



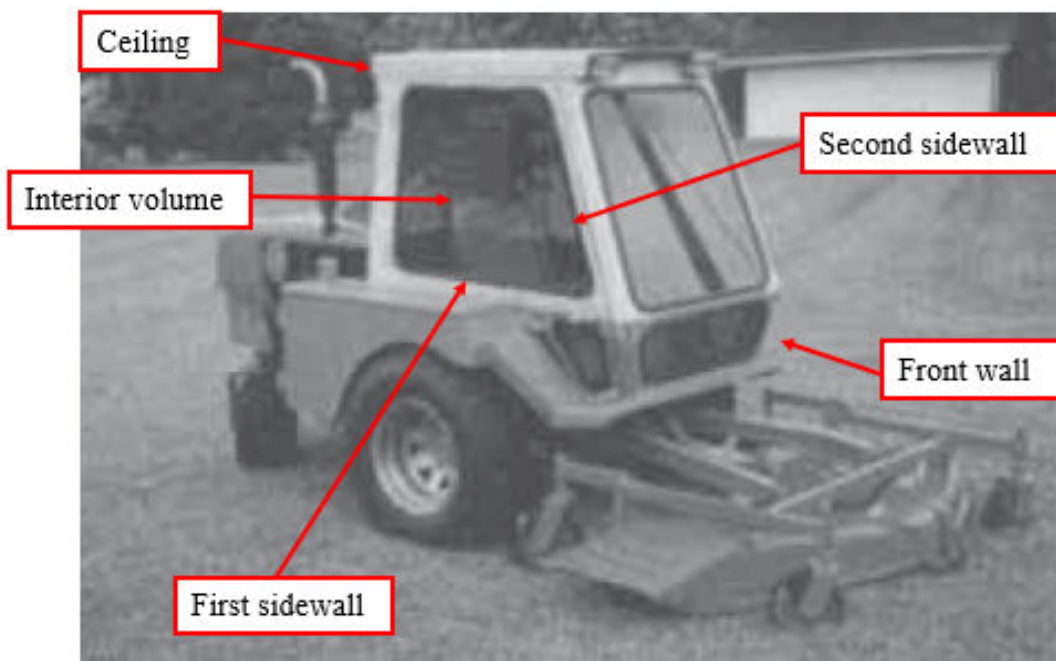
Ex. CI-1004 at 1:14 (annotations added).



Id. at 1:24 (annotations added).

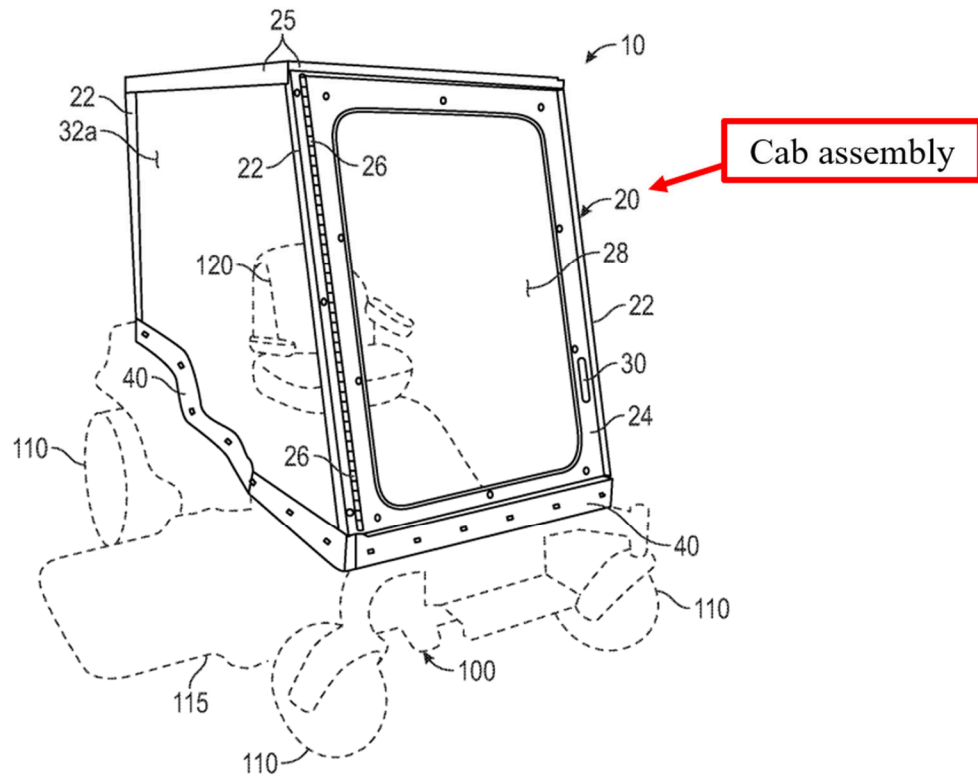


Ex. CI-1005 at Cover.



Ex. CI-1006 at 27 (annotations added).

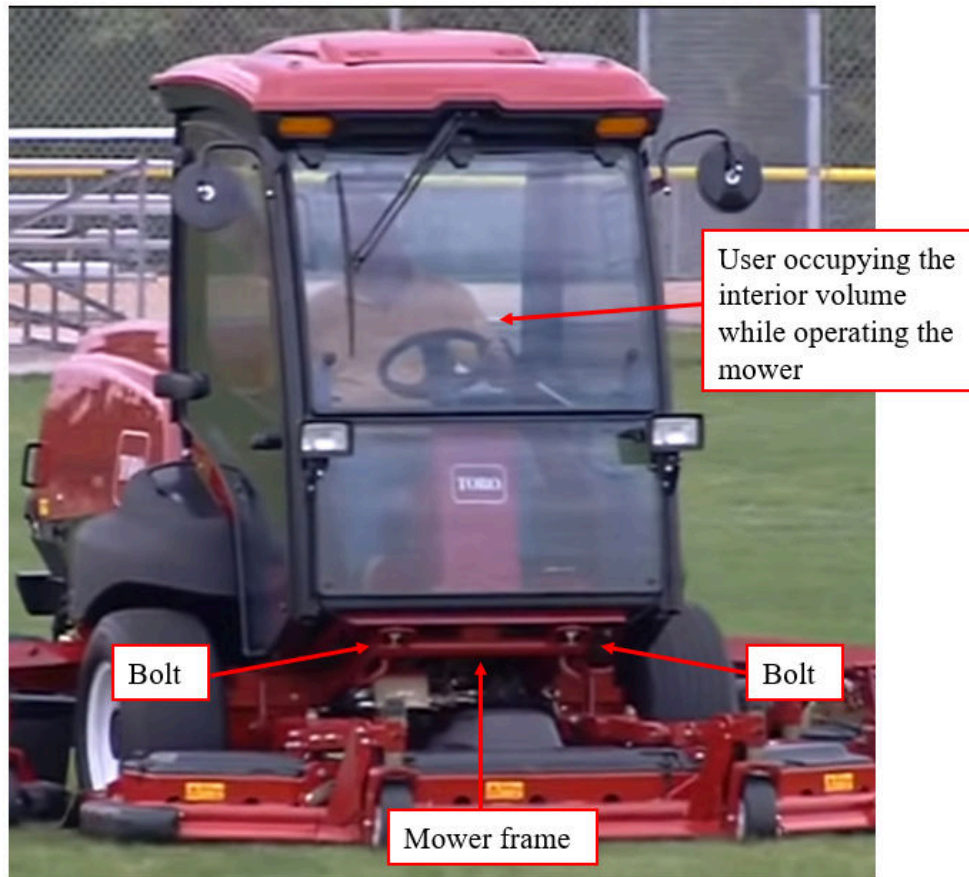
Notably, the cabs shown above resemble one embodiment of “cab assembly 20” of the ’815 patent:



Ex. CI-1001 at Fig. 1 (annotations added), 4:41-46.

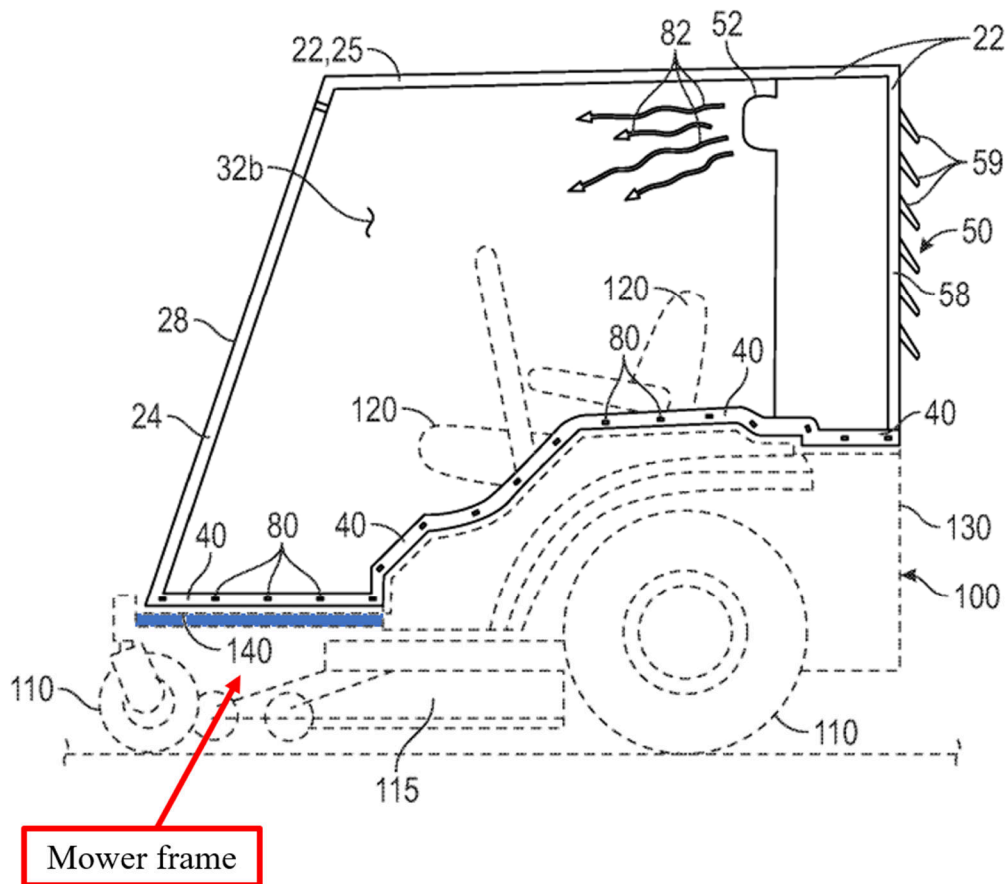
- (c) ***[1.2]: wherein the cab assembly is adapted to secure to a mower frame of the lawn mower such that a user may occupy the interior volume while operating the lawn mower; and***

The Toro-Judice combination discloses this limitation. Ex. CI-1003, ¶¶ 59-62. For example, the Toro cab assembly is secured to a mower frame of the lawn mower (via bolts), and a user may occupy the interior volume while operating the lawn mower:



Ex. CI-1004 at 1:18 (annotations added); Ex. CI-1003, ¶ 59. Moreover, the Toro cab assembly is adapted to receive bolts securing the cab assembly to the mower frame, as depicted above. Ex. CI-1003, ¶ 59.

Notably, the '815 patent teaches the same method of securing the cab assembly to the mower frame. Ex. CI-1001 at 5:1-4 (“The cab assembly 20 can be attached to side frames 140 of the mower 100 . . . using a plurality of fasteners 80 such as bolts, screws, or the like.”). It also identifies the same part of the lawn mower as the “mower frame”:



Id. at Fig. 2A (annotation and color added), 5:4-6 (referring to “mower frame 140”).

Patent Owner’s infringement contentions in the parallel litigation confirm that the part of the Toro lawn mower identified above corresponds to the claimed “mower frame.” As shown below, Patent Owner contends in the litigation that the mower frame “includes the preexisting geometry of the mower body,” and it points to the same part of the lawn mower as Petitioner does above:¹

¹ Petitioner does not concede that Patent Owner’s contention is correct. Petitioner reserves the right to challenge that contention in the litigation.



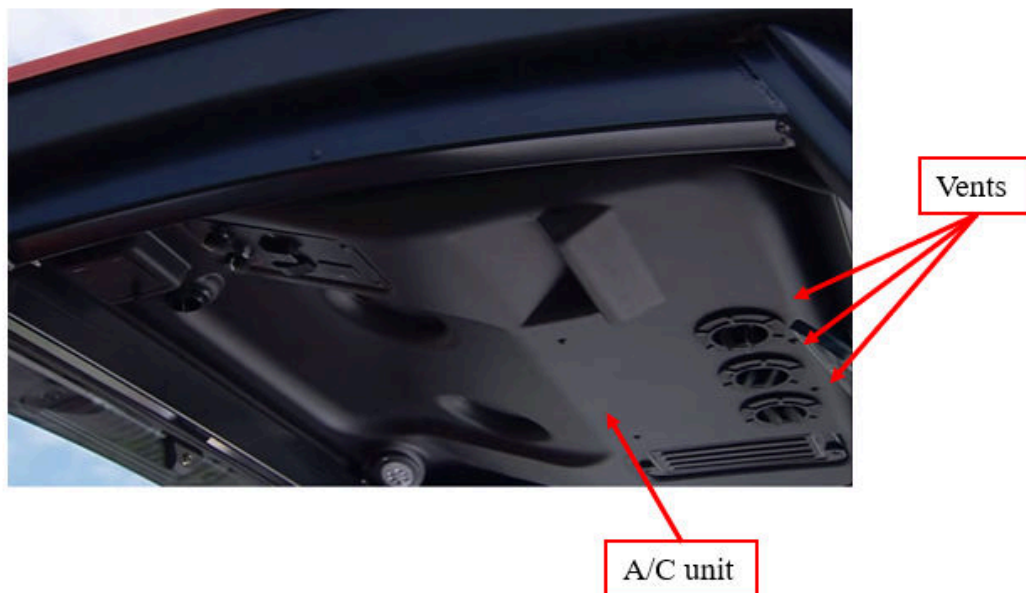
Ex. CI-1015 at 4 (annotations by Patent Owner).

Even if it were not clear that Toro Video discloses securing the cab assembly to the mower frame as shown above, it would have been obvious to do so in the Toro-Judice combination. Ex. CI-1003, ¶ 62. A skilled artisan would have recognized the design need to affix the cab assembly to the lawn mower to prevent the cab assembly from jostling around or falling off during operation, especially because lawn mowers often accelerate, decelerate, turn, and are used on uneven terrain. *Id.* A skilled artisan also would have known there were only a finite

number of identified, predictable solutions for affixing the cab assembly to the lawn mower: either secure the cab assembly to the mower frame (using fasteners, for example) or secure it to some other part of the lawn mower. *Id.* A skilled artisan would have seen the former option as superior (or at least suitable) because the mower frame is more rigid and structurally sound than other parts of the lawn mower. *Id.*; *Intel Corp. v. Qualcomm Inc.*, 21 F.4th 784, 800 (Fed. Cir. 2021) (“It’s not necessary to show that a combination is ‘the *best* option, only that it be a *suitable* option.’” (quoting *PAR Pharm., Inc. v. TWI Pharms., Inc.*, 773 F.3d 1186, 1197-98 (Fed. Cir. 2014))). And securing the cab assembly to the mower frame would have been within a skilled artisan’s technical grasp because, as the ’815 patent acknowledges, it would have required nothing more than well-known fastening methods, “such as bolts, screws, or the like,” and adapting the cab assembly for use with the fastening methods. Ex. CI-1001 at 5:1-4; Ex. 1003, ¶ 62. Thus, even if it were not clear that Toro Video discloses this limitation, a skilled artisan would have been motivated to adapt the Toro cab assembly to secure it to the mower frame and had a reasonable expectation of success in doing so. *See KSR*, 550 U.S. at 421.

(d) [1.3]: an air conditioning unit configured to produce conditioned air,

The Toro-Judice combination discloses this limitation. Ex. CI-1003, ¶¶ 63-64. The Toro mower has a “low-profile air conditioning and heating unit” (*air conditioning unit configured to produce conditioned air*) built into the roof. Ex. CI-1004 at 0:35-40.

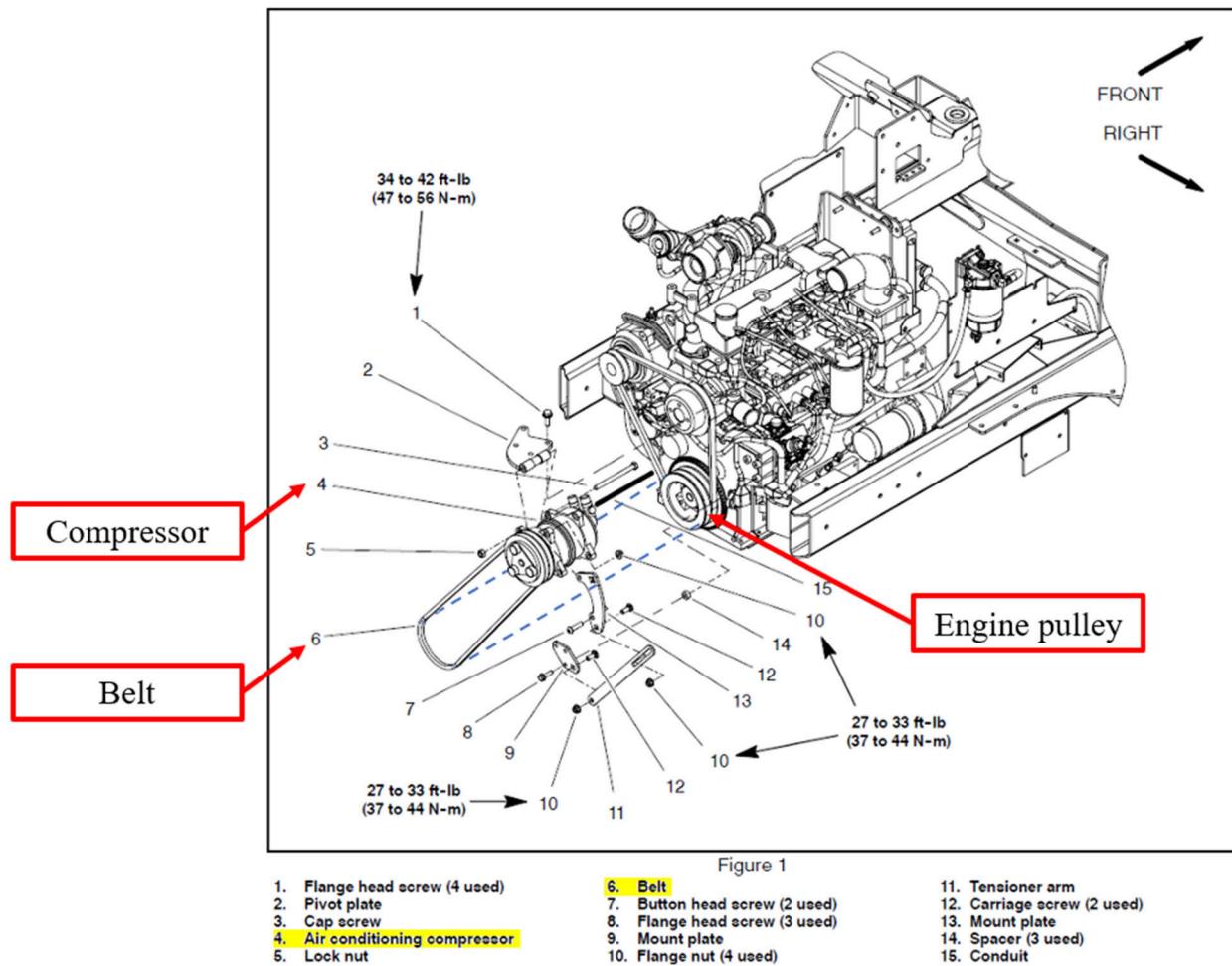


Ex. CI-1004 at 0:38 (annotations added).

Likewise, the Judice mower “has air conditioning.” Ex. CI-1006 at 27. Indeed, Judice’s title is “He Mows Grass In Air-Conditioned Comfort.” *Id.*

(e) [1.4]: wherein the air conditioning unit is adapted to be powered in part by rotary motion transmitted from an engine of the lawn mower,

The Toro-Judice combination discloses this limitation. Ex. CI-1003, ¶¶ 65-68. The Toro A/C unit comprises “[a] compressor mounted on the engine and driven by a v-belt” connected to the engine pulley. Ex. CI-1005 at 9-2.



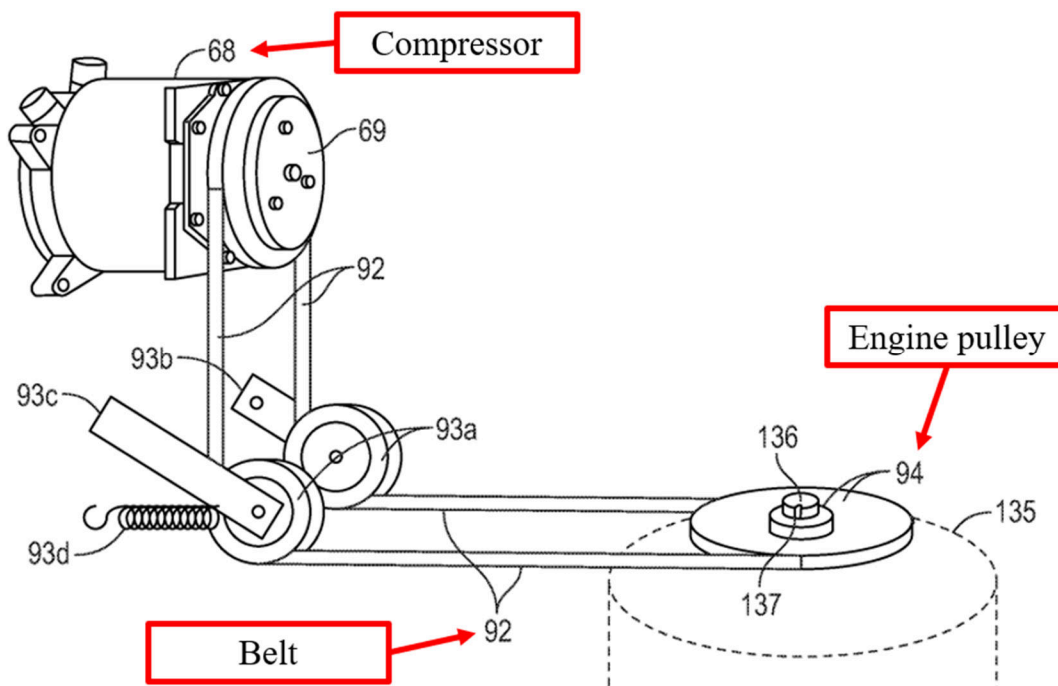
Id. at 9-4 (annotations added); *see also id.* at 9-5 (showing the compressor in more detail); *id.* at 3-30 (identifying engine pulley as “crankshaft pulley”).

As Mr. deVries explains, the engine pulley rotates when the engine is running, and the belt transmits the engine pulley's rotary motion to the compressor.

Ex. CI-1003, ¶ 66. Notably, the '815 patent contemplates the same technique of driving the compressor:

The compressor 68 includes a pulley-driven unit . . . that is powered by the engine 135 of the lawn mower 100 and is in mechanical communication therewith via an interconnecting **drive belt 92**. . . . The compressor 68 can be in mechanical communication with the **engine pulley 94** via a **drive belt 92** The compressor 68 receives rotating mechanical power from the engine 135 of the riding mower 100 (FIG. 1) via drive components including a **drive belt 92** and corresponding tensioning pulleys 93a.

Ex. CI-1001 at 6:38-43, 7:32-38, 7:50-54 (emphasis added).



Id. at Fig. 8 (annotations added).

Because its compressor is belt driven by the engine pulley, the A/C unit of the Toro-Judice combination is adapted to be “*powered in part by rotary motion transmitted from an engine of the lawn mower.*”²

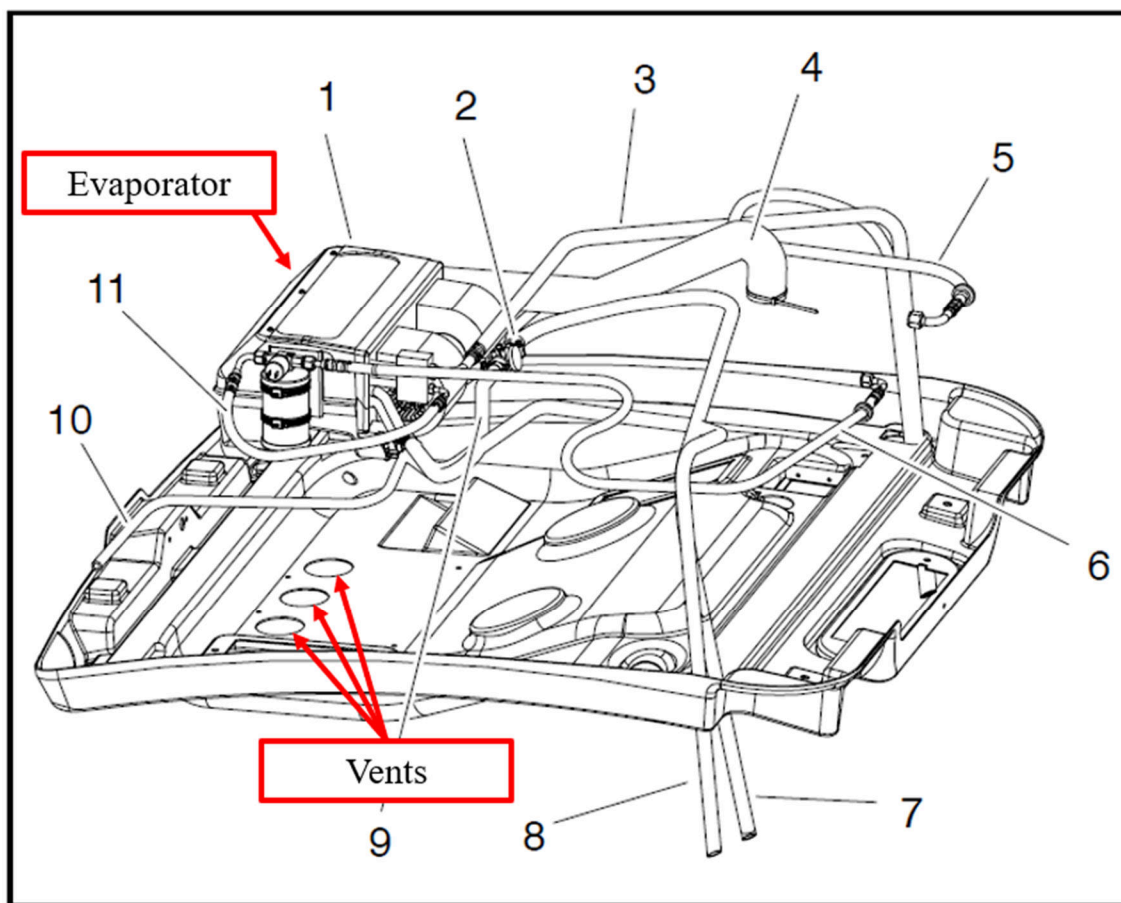
(f) [1.5]: the air conditioning unit being secured in relation to the cab assembly such that conditioned air produced by the air conditioning unit is emitted directly into the interior volume,

The Toro-Judice combination discloses this limitation. Ex. CI-1003, ¶¶ 69-70. As shown below, the Toro A/C unit is built into the roof of the cab, and three of its vents are located on the underside of the evaporator, without any ducts between the evaporator and the vents. Accordingly, the Toro A/C unit is secured in relation to the cab assembly such that conditioned air produced by the A/C unit is “*emitted directly into the interior volume.*” *Id.*

² If the claim term “powered *in part*” requires a second power source, the Toro A/C unit also receives electrical power. Ex. CI-1005 at 5-53 (“A relay is used to control the air conditioning electrical power circuit on the Groundsmaster 5910 [and] provides current for the air conditioning components.”).



Ex. CI-1004 at 0:38 (annotations added).



Ex. CI-1005 at 9-9 (annotations added).

(g) ***[1.6]: wherein one or more components of the air conditioning unit define a rear wall disposed opposite the front wall,***

The Toro-Judice combination discloses this limitation. Ex. CI-1003, ¶¶ 71-72. As explained above, a skilled artisan would have been motivated to relocate the Toro A/C unit to the rear wall, as Judice teaches. *See* § V.A.5, *supra*. In making that modification, a skilled artisan would have wanted to keep the Toro A/C unit's shape roughly the same to minimize design changes. Ex. CI-1003, ¶ 71. And because the Toro A/C unit is wide and flat (like a wall), relocating it to the rear wall would cause the A/C unit to “*define*” the rear wall:



Ex. CI-1004 at 0:40 (annotations added).

Even if a skilled artisan would have instead changed the shape of the Toro A/C unit such that it would make up only part of the rear wall, rather than “*define*” the rear wall, it would not matter for purposes of this IPR. In the parallel litigation, Patent Owner contends that this limitation encompasses A/C units that make up only part of a rear wall. *See, e.g.*, Ex. CI-1015 at 17. Under that interpretation, Patent Owner cannot argue that changing the shape of the Toro A/C unit such that

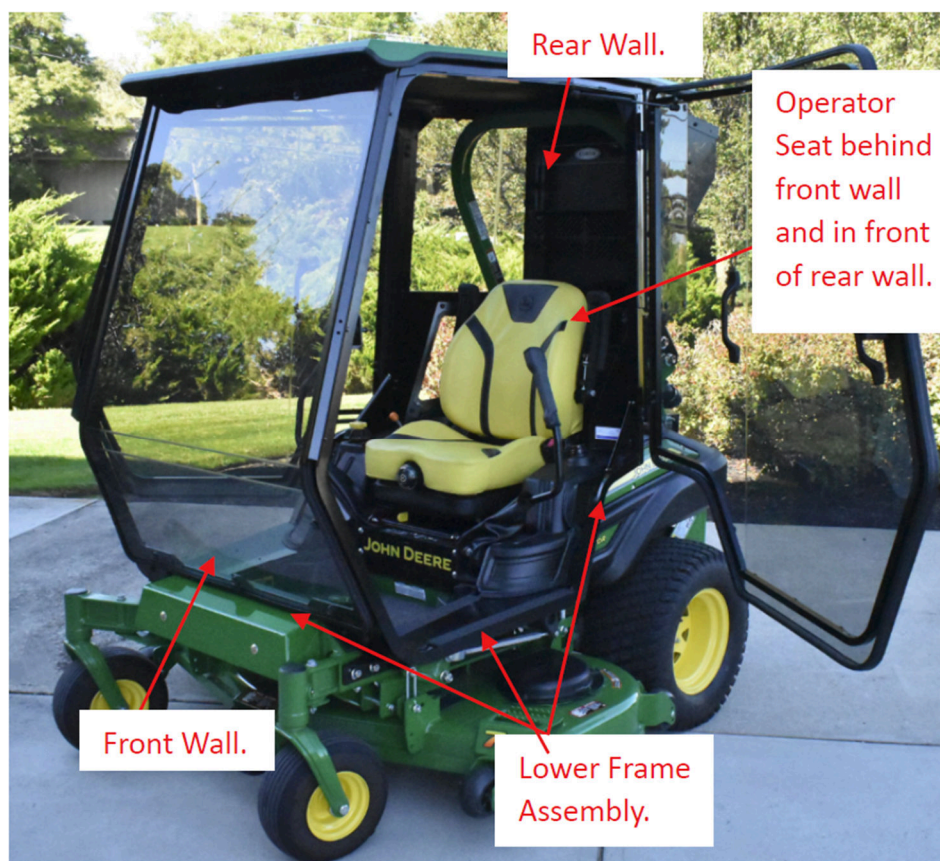
it composes only part of the rear wall would fall outside the scope of the claim.³ In any event, as explained, a skilled artisan would have been motivated not to change the Toro A/C unit's shape.

(h) *[1.7]: wherein the cab assembly includes a lower frame adapted to be secured to the mower frame such that when the lower frame is secured to the mower frame the front wall is disposed in front of an operator seat of the lawn mower and the rear wall is disposed behind the operator seat; and*

The Toro-Judice combination discloses this limitation. Ex. CI-1003, ¶¶ 73-77.

First, the Toro cab assembly includes “a lower frame adapted to be secured to the mower frame.” In the parallel litigation, Patent Owner contends that this term encompasses the lower parts of the cab frame:

³ Petitioner does not concede that Patent Owner's interpretation is correct and reserves the right to challenge it in the litigation.



Ex. CI-1015 at 20 (annotations by Patent Owner).

Under that interpretation, the Toro cab assembly has “*a lower frame adapted to be secured to the mower frame*”:⁴

⁴ Petitioner does not concede that Patent Owner’s interpretation is correct and reserves the right to challenge it in the litigation.



Ex. CI-1004 at 0:22 (annotations added); Ex. CI-1003, ¶¶ 74-75.

Second, when the lower frame of the Toro cab assembly is secured to the mower frame, “*the front wall is disposed in front of an operator seat of the lawn mower and the rear wall is disposed behind the operator seat*”:



Ex. CI-1004 at 0:22 (annotations added); Ex. CI-1003, ¶ 76.

Accordingly, the cab assembly of the Toro-Judice combination “*includes a lower frame adapted to be secured to the mower frame such that when the lower frame is secured to the mower frame the front wall is disposed in front of an operator seat of the lawn mower and the rear wall is disposed behind the operator seat.*” Ex. CI-1003, ¶ 77.

- (i) ***[1.8]: wherein the cab assembly has a height that increases as the cab assembly extends from the rear wall to the front wall.***

In the parallel litigation, Patent Owner contends that this term refers to the distance from the cab floor to the cab ceiling:



Ex. CI-1015 at 8 (annotations by Patent Owner).

Under that interpretation, the Toro-Judice combination discloses this limitation.⁵ Ex. CI-1003, ¶¶ 79-80. For example, the Toro cab assembly has a

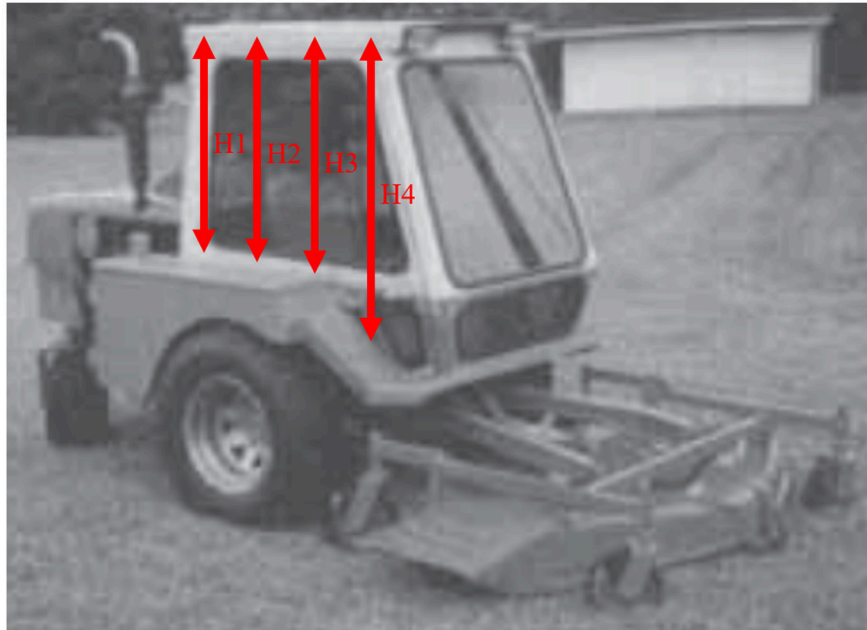
⁵ Petitioner does not concede that Patent Owner's interpretation is correct and reserves the right to challenge it in the litigation. Petitioner also reserves the right to argue indefiniteness of this and any other limitation in the litigation, which would not impact this IPR. See *Samsung Elecs. Co. v. SEVEN Networks, LLC*, IPR2018-01124, Paper 29 at 17 (PTAB Jan. 18, 2019) ("Petitioner's argument about indefiniteness in the related district court case does not warrant denying the Petition because Petitioner cannot raise indefiniteness in this case." (citing 35 U.S.C. § 311(b))).

height that increases as the cab assembly extends from the rear wall to the front wall:



Ex. CI-1004 at 1:09 (annotations added).

Likewise, the Judice cab assembly also has a height that increases as the cab assembly extends from the rear wall to the front wall:



Ex. CI-1006 at 27 (annotations added).

For the above reasons, the Board should hold that claim 1 would have been obvious over the combination of Toro Video, Toro Manual, and Judice.

7. Dependent Claim 3

[3] The system of claim 1, wherein the first sidewall and the second sidewall each have a first end proximal to the front wall and a second end opposite the first end, wherein a height of the first sidewall and the second sidewall decreases as each sidewall extends from the first end to the second end.

In the parallel litigation, Patent Owner contends that this limitation refers to the distance between the bottom and top of the sidewall:



Ex. CI-1015 at 10 (annotations by Patent Owner).

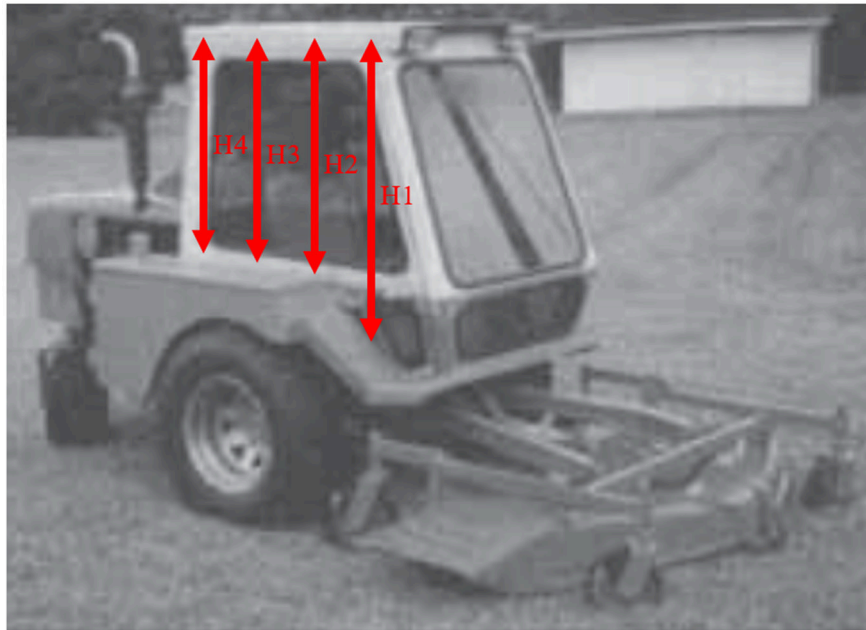
Under that interpretation, the Toro-Judice combination discloses this limitation.⁶ Ex. CI-1003, ¶¶ 82-83. For example, each sidewall of the Toro cab assembly has a height that decreases as each sidewall extends from the front end (*first end*) to the rear end (*second end*):

⁶ See note 5, *supra*.



Ex. CI-1004 at 1:09 (annotations added).

Likewise, each sidewall of the Judice cab assembly also has a height that decreases as each sidewall extends from the front end (*first end*) to the rear end (*second end*):



Ex. CI-1006 at 27 (annotations added).

Thus, the Board should hold that claim 3 would have been obvious over the combination of Toro Video, Toro Manual, and Judice.

8. Dependent Claim 4

[4] The system of claim 1, wherein at least one of the first sidewall, the second sidewall, and the front wall is semi-transparent.

The Toro-Judice combination discloses this limitation. Ex. CI-1003, ¶ 84.

For example, the sidewalls and front wall of the Toro cab assembly comprise tinted windows and are thus *semi-transparent*:



Ex. CI-1004 at 0:21; *see also id.* at 0:28-32 (stating that the windows are made of “tempered safety glass,” which a skilled artisan would have recognized is semi-transparent); Ex. CI-1003, ¶ 84.

B. Ground 2: Claims 1, 3, and 4 Would Have Been Obvious Over Toro Video, Toro Manual, and Uchida

1. Overview of Toro Video

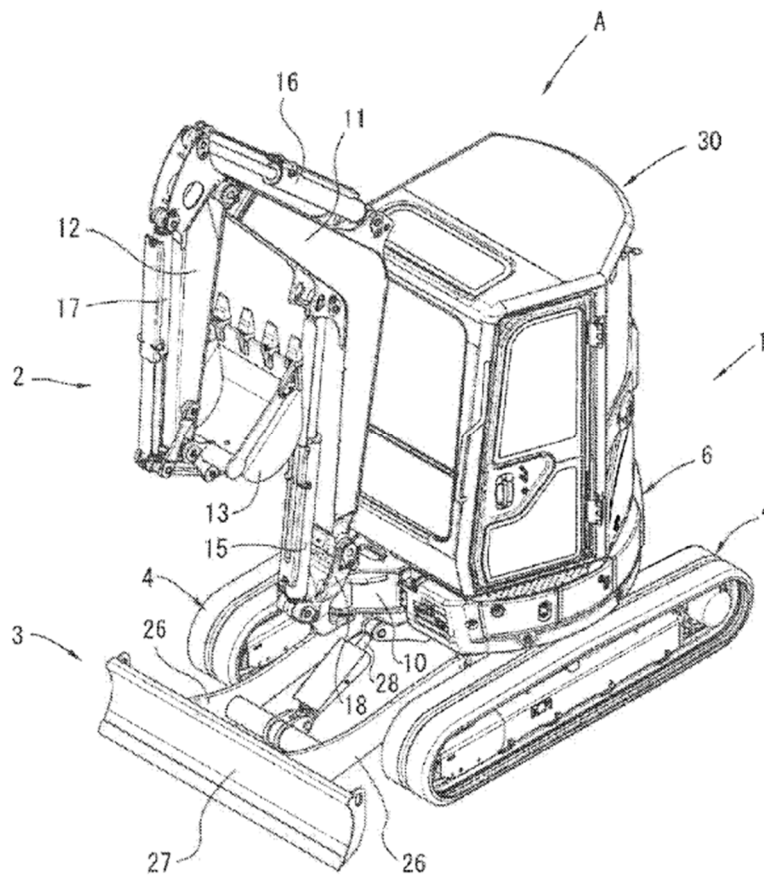
See § V.A.1, supra.

2. Overview of Toro Manual

See § V.A.2, supra.

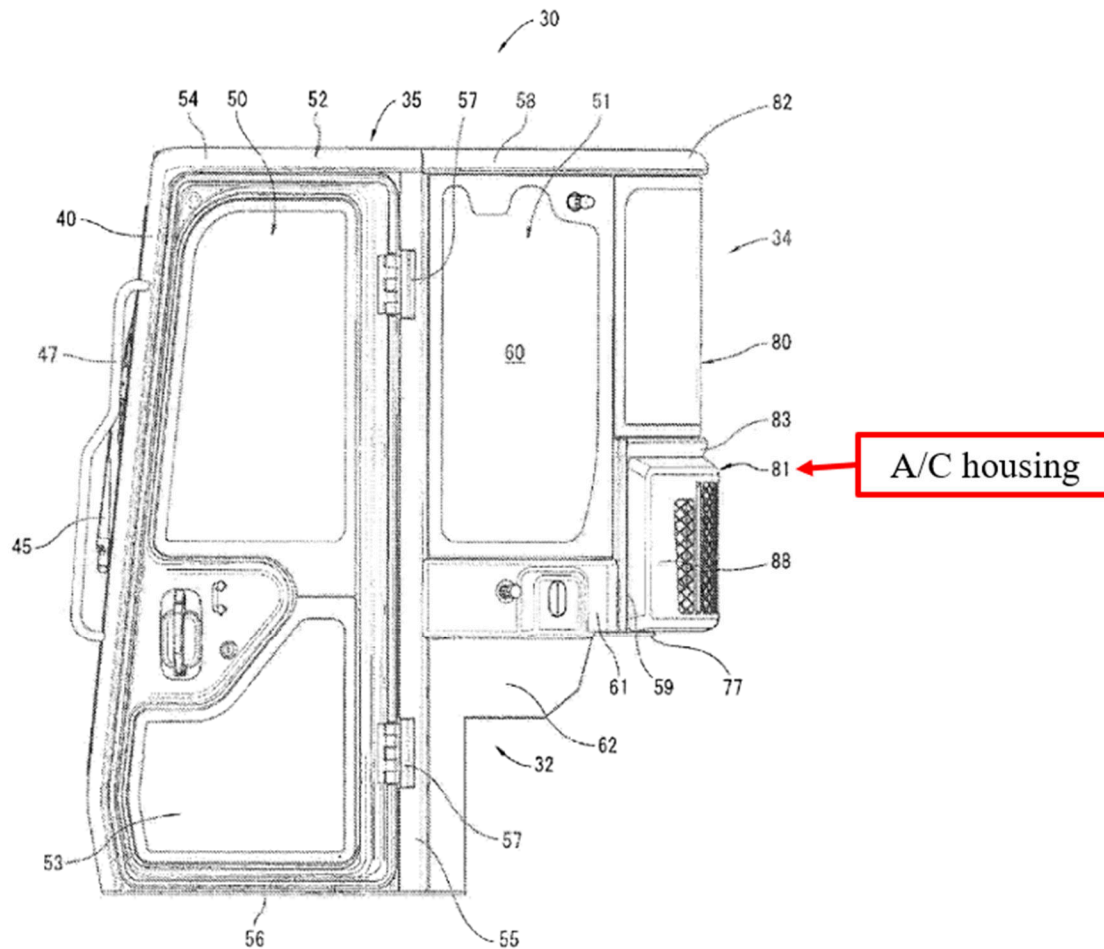
3. Overview of Uchida

Uchida discloses an air-conditioned cab for a “turning working vehicle” (e.g., excavator). Ex. CI-1007 at Abstract.



Id. at Fig. 1.

Parts of Uchida's air conditioner (e.g., "a condenser . . . and the like") are housed in a housing 81 "mounted on a lower portion of the rear wall of the cabin":



Id. at Abstract, [0049], Fig. 9 (annotations added).

4. Reasons to Combine Toro Video and Toro Manual

See § V.A.4, *supra*.

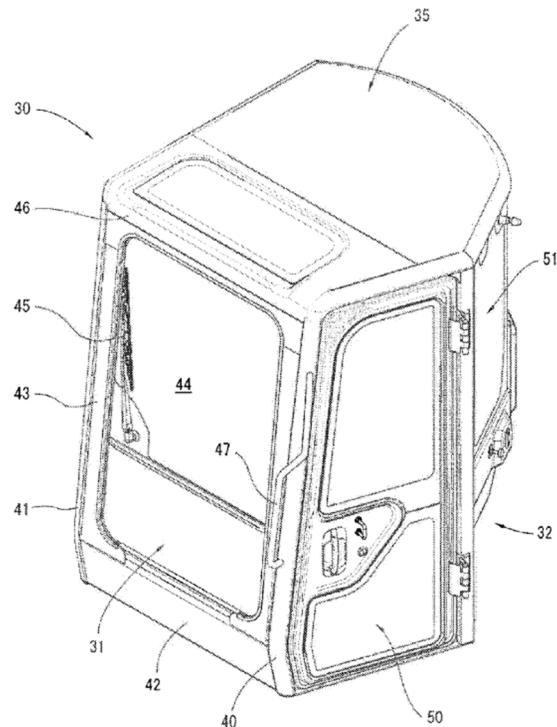
5. Reasons to Modify the Toro Combination in View of Uchida

A skilled artisan would have been motivated to modify the lawn mower of the Toro references in view of Uchida by repositioning the A/C unit from the roof

to the rear wall. Ex. CI-1003, ¶¶ 91-100. A skilled artisan would have looked to the Toro references and Uchida together because they are in the same technical field (air-conditioned working vehicles) and address the same problem (operator comfort). *Id.*, ¶ 92; *compare* Ex. CI-1004, *with* Ex. CI-1007 at Abstract. Although Uchida and the Toro references describe different types of vehicles, the examiner of the '815 patent aptly recognized that “[s]imply because one teaching relates to a different type of vehicle does not preclude a proper 103 rejection.” Ex. CI-1002 at 13. The Toro and Uchida cab assemblies also resemble one another:



Ex. CI-1004 at 1:08



Ex. CI-1007 at Fig. 8

Their principles of operation are also similar. For example, both Toro Manual and Uchida disclose using the vehicle engine to drive the compressor of the A/C unit

via a belt. Ex. CI-1005 at 9-2 through 9-5; Ex. CI-1007 at [0070] (“a compressor 193 . . . is interlockingly connected to the engine E”) and Fig. 19. Thus, a skilled artisan would have considered the Toro references and Uchida together.

In weighing the benefits of the solutions that the Toro references and Uchida teach, a skilled artisan would have recognized that positioning the A/C unit on the rear wall of the cab, as Uchida discloses, has several advantages over positioning the A/C unit on the roof of the cab, as the Toro references disclose. **First**, this modification would reduce the overall height of the cab, which a skilled artisan would have wanted because Toro Video suggests that “increased clearance under trees and storage areas” was desirable. Ex. CI-1004. at 0:35-43; Ex. CI-1003, ¶ 94. **Second**, a skilled artisan would have recognized that positioning the A/C unit on the rear wall would protect it from branch strikes and other damage from overhead obstacles that lawn mowers encounter. Ex. CI-1003, ¶ 95. **Third**, a skilled artisan would have known that moving the A/C unit from the roof to the rear wall would shorten the coolant lines from the compressor in the engine compartment, thus decreasing both cost and the probability of coolant leaks. *Id.*, ¶ 96. **Fourth**, a skilled artisan would have realized that moving the A/C unit from the roof to the rear wall would lower the mower’s center of gravity and therefore decrease the risk of rollover—a known concern given that Toro Video touts its “built-in four-post ROPS [rollover protection system].” Ex. CI-1004 at 0:18-24; Ex. CI-1003, ¶ 97.

Fifth, a skilled artisan would have known that in the event of a rollover, having the A/C unit on the rear wall would minimize the likelihood of it being crushed. Ex. CI-1003, ¶ 98. Because of these benefits, a skilled artisan would have been motivated to reposition the Toro references' A/C unit from the roof to the rear wall in view of Uchida.

Alternatively, moving the A/C unit from the roof to the rear wall would have been “obvious to try.” *KSR*, 550 U.S. at 421. “When there is a design need or market pressure to solve a problem and there are a finite number of identified, predictable solutions, a person of ordinary skill has good reason to pursue the known options within his or her technical grasp.” *Id.* Here, the Toro references and Uchida show (1) there was a design need or market pressure to equip working vehicle cabs with A/C units, and (2) there were only a finite number of identified, predictable solutions: position the A/C unit on either the roof or the rear wall. Ex. CI-1003, ¶ 99. A skilled artisan would not have considered locating the A/C unit on the front or side walls a feasible solution because it would have obstructed the driver's view. *Id.* Accordingly, a skilled artisan would have had “good reason” to pursue Uchida's solution of locating the A/C unit on the rear wall. *KSR*, 550 U.S. at 421.

A skilled artisan also would have had a reasonable expectation of success in moving the A/C unit to the rear wall. Ex. CI-1003, ¶ 100. This modification would

have been a routine design change because it merely relocates Toro's existing A/C unit to a different part of the cab, without changing its function or operating principles. *Id.* Therefore, a skilled artisan would have reasonably expected success with this modification.

6. Independent Claim 1

- (a) ***[1.pre]: An enclosure system for a lawn mower, the system comprising:***

See § V.A.6(a), *supra* (excluding references to Judice).

- (b) ***[1.1]: a cab assembly having a front wall, a first sidewall, a second sidewall, and a ceiling that collectively define an interior volume,***

See § V.A.6(b), *supra* (excluding references to Judice).

- (c) ***[1.2]: wherein the cab assembly is adapted to secure to a mower frame of the lawn mower such that a user may occupy the interior volume while operating the lawn mower; and***

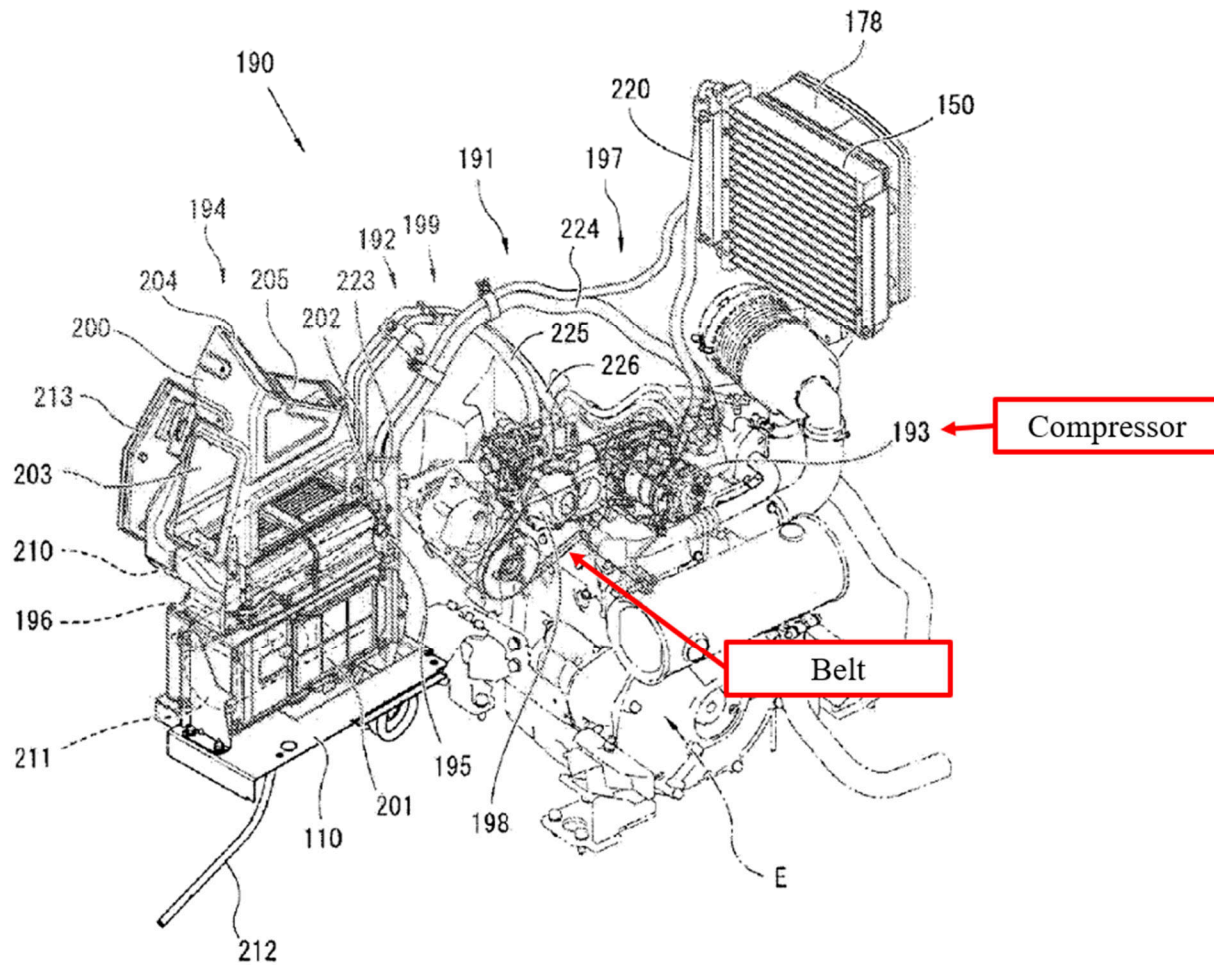
See § V.A.6(c), *supra* (excluding references to Judice).

- (d) ***[1.3]: an air conditioning unit configured to produce conditioned air,***

See § V.A.6(d), *supra* (excluding references to Judice).

(e) [1.4]: wherein the air conditioning unit is adapted to be powered in part by rotary motion transmitted from an engine of the lawn mower,

See § V.A.6(e), *supra* (excluding references to Judice). In addition, Uchida discloses this limitation as well. Ex. CI-1003, ¶ 106; Ex. CI-1007 at [0070] (“a compressor 193 . . . is interlockingly connected to the engine E”).



Id. at Fig. 19 (annotations added).

- (f) ***[1.5]: the air conditioning unit being secured in relation to the cab assembly such that conditioned air produced by the air conditioning unit is emitted directly into the interior volume,***

See § V.A.6(f), *supra* (excluding references to Judice).

- (g) ***[1.6]: wherein one or more components of the air conditioning unit define a rear wall disposed opposite the front wall,***

The Toro-Uchida combination discloses this limitation. Ex. CI-1003, ¶¶ 108-09. As explained above, a skilled artisan would have been motivated to relocate the Toro A/C unit to the rear wall, as Uchida teaches. *See* § V.B.5, *supra*. In making that modification, a skilled artisan would have wanted to keep the Toro A/C unit's shape roughly the same to minimize design changes. Ex. CI-1003, ¶ 108. And because the Toro A/C unit is wide and flat (like a wall), relocating it to the rear wall would cause the A/C unit to “*define*” the rear wall:



Ex. CI-1004 at 0:40 (annotations added).

Even if a skilled artisan would have instead changed the shape of the Toro A/C unit such that it would make up only part of the rear wall, rather than “*define*”

the rear wall, it would not matter for purposes of this IPR. In the parallel litigation, Patent Owner contends that this limitation encompasses A/C units that make up only part of a rear wall. *See, e.g.*, Ex. CI-1015 at 19. Under that interpretation, Patent Owner cannot argue that changing the shape of the Toro A/C unit such that it composes only part of the rear wall would fall outside the scope of the claim.⁷ In any event, as explained, a skilled artisan would have been motivated not to change the Toro A/C unit's shape.

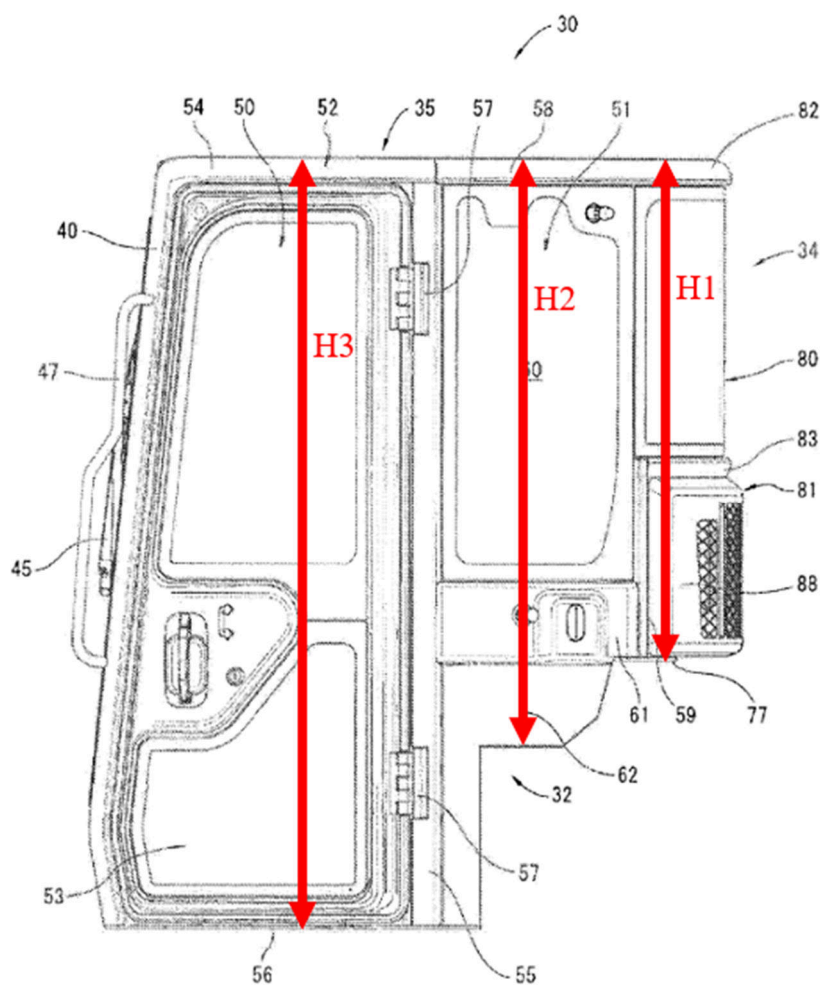
- (h) ***[1.7]: wherein the cab assembly includes a lower frame adapted to be secured to the mower frame such that when the lower frame is secured to the mower frame the front wall is disposed in front of an operator seat of the lawn mower and the rear wall is disposed behind the operator seat; and***

See § V.A.6(h), *supra* (excluding references to Judice).

- (i) ***[1.8]: wherein the cab assembly has a height that increases as the cab assembly extends from the rear wall to the front wall.***

See § V.A.6(i), *supra* (excluding references to Judice). In addition, Uchida also discloses this limitation under Patent Owner's interpretation:

⁷ Petitioner does not concede that Patent Owner's interpretation is correct and reserves the right to challenge it in the litigation.



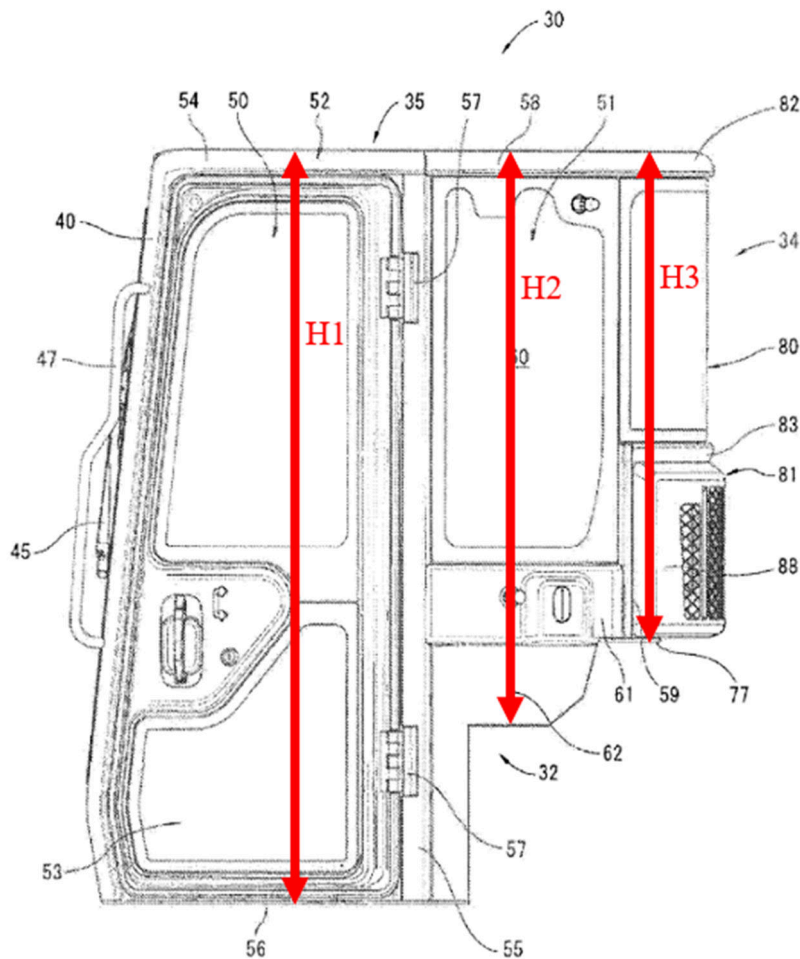
Ex. CI-1007 at Fig. 9 (annotations added).

For these reasons, the Board should hold that claim 1 would have been obvious over the combination of Toro Video, Toro Manual, and Uchida.

7. Dependent Claim 3

[3] The system of claim 1, wherein the first sidewall and the second sidewall each have a first end proximal to the front wall and a second end opposite the first end, wherein a height of the first sidewall and the second sidewall decreases as each sidewall extends from the first end to the second end.

See § V.A.7, *supra* (excluding references to Judice). In addition, Uchida also discloses this limitation under Patent Owner's interpretation:



Ex. CI-1007 at Fig. 9 (annotations added).

8. Dependent Claim 4

[4] The system of claim 1, wherein at least one of the first sidewall, the second sidewall, and the front wall is semi-transparent.

See § V.A.8, *supra* (excluding references to Judice).

VI. THE BOARD SHOULD REACH THE MERITS OF THE PETITION

A. The *General Plastic* Factors Do Not Apply Here

The factors set forth in *General Plastic* for determining whether to discretionarily deny a petition for IPR are inapplicable here. *General Plastic Indus. Co. v. Canon Kabushiki Kaisha*, IPR2016-01357 through -01361, Paper 19 (PTAB Sept. 6, 2017).

The animating concern of *General Plastic* was “follow-on petitions.” *Id.* at 8. Indeed, *General Plastic* factors 2-5 are relevant only for follow-on petitions. *See id.* at 9 (“2. whether at the time of filing of the first petition the petitioner knew of the prior art asserted in the second petition or should have known of it; 3. whether at the time of filing of the second petition the petitioner already received the patent owner’s preliminary response to the first petition or received the Board’s decision on whether to institute review in the first petition; 4. the length of time that elapsed between the time the petitioner learned of the prior art asserted in the second petition and the filing of the second petition; 5. whether the petitioner provides adequate explanation for the time elapsed between the filings of multiple petitions directed to the same claims of the same patent” (footnotes omitted)).

Here, neither Petitioner nor anyone else has petitioned for IPR of the '815 patent before. Accordingly, the *General Plastic* factors are inapplicable here and do not support discretionary denial of this petition.

B. The *Fintiv* Factors Weigh Against Discretionary Denial

When there is parallel district court litigation, the Board considers the *Fintiv* factors to determine whether to discretionarily deny a petition for IPR. *See Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 (PTAB Mar. 20, 2020) (designated precedential May 5, 2020). On June 21, 2022, Director Vidal issued “binding agency guidance” entitled “Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation.” Ex. CI-1016. This guidance presents “several clarifications . . . to the PTAB’s . . . application of *Fintiv* to discretionary institution where there is parallel litigation.” *Id.* at 2.

One such clarification is that “***the PTAB will not discretionarily deny institution*** of an IPR or PGR in view of parallel district court litigation where a petitioner stipulates not to pursue in a parallel district court proceeding the same grounds as in the petition or any grounds that could have reasonably been raised in the petition.” *Id.* at 7 (emphasis added) (citing *Sotera Wireless, Inc. v. Masimo Corp.*, IPR2020-01019, Paper 12 (PTAB Dec. 1, 2020)). Here, Petitioner stipulates not to pursue in the parallel litigation the same grounds as in this petition or any grounds that could have reasonably been raised in this petition. Ex. CI-1017.

Accordingly, under Director Vidal's guidance, the Board should not discretionarily deny institution of this petition.

C. The *Becton, Dickinson* Factors Weigh Against Discretionary Denial

The arguments and prior art Petitioner presents here are neither similar to nor cumulative of any arguments or prior art the examiner presented during prosecution of the '815 patent. The prior art Petitioner cites here was not before the examiner. The examiner neither evaluated nor based any rejections on prior art that discloses a lawn mower, let alone an air-conditioned cab for a lawn mower. Thus, the *Becton, Dickinson* factors do not support discretionary denial here. *See Becton, Dickinson & Co. v. B. Braun Melsungen AG*, IPR2017-01586, Paper 8 at 17-18 (PTAB Dec. 15, 2017).

VII. PAYMENT OF FEES – 37 C.F.R. § 42.103

Petitioner authorizes the Patent and Trademark Office to charge Deposit Account No. 06-1050 for the fee set forth in 37 C.F.R. § 42.15(a) and any additional necessary fees.

VIII. CONCLUSION

For the above reasons, the Board should institute an IPR of claims 1, 3, and 4 of the '815 patent on each of the grounds presented.

IX. MANDATORY NOTICES UNDER 37 C.F.R. § 42.8(a)(1)

A. Real Party-In-Interest Under 37 C.F.R. § 42.8(b)(1)

Petitioner is wholly owned by Curtis Industries, Inc., which is wholly owned by Curtis Investment Holdings, LLC, a controlling interest of which is owned by Nautic Partners V, LP.

B. Related Matters Under 37 C.F.R. § 42.8(b)(2)

Petitioner is not aware of any disclaimers, reexamination certificates, or petitions for IPR of the '815 patent. The '815 patent is the subject of *B & D Technologies, LLC v. Curtis Industries, LLC*, Civil Action No. 4-23-cv-11479, filed June 30, 2023, in the United States District Court for the District of Massachusetts.

C. Lead And Back-Up Counsel Under 37 C.F.R. § 42.8(b)(3)

Petitioner provides the following designation of counsel.

Lead Counsel	Backup counsel
P. Weston Musselman, Reg. No. 31,644 Fish & Richardson P.C. 3200 RBC Plaza, 60 South Sixth Street Minneapolis, MN 55402 T: 202-783-5070 F: 877-769-7945 Email: musselman@fr.com	Alexander M. Pechette, Reg. No. 81,247 Nicholas H. Wang, <i>pro hac vice</i> forthcoming Fish & Richardson P.C. 3200 RBC Plaza, 60 South Sixth Street Minneapolis, MN 55402 T: 202-783-5070 F: 877-769-7945 Email: pechette@fr.com , nwang@fr.com IPR44006-0001IP1@fr.com

D. Service Information

Please address all correspondence and service to the address listed above.

Petitioner consents to electronic service by email at IPR44006-0001IP1@fr.com.

Respectfully submitted,

Dated July 3, 2024

/P. Weston Musselman/
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(Control No. IPR2024-01150)

Attorneys for Petitioner

CERTIFICATION UNDER 37 C.F.R. § 42.24

Under 37 C.F.R. § 42.24(d), the undersigned certifies that the word count for this petition for *inter partes* review totals 7,384 words, which is less than the 14,000 allowed under 37 C.F.R. § 42.24.

Dated July 3, 2024

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Attorneys for Petitioner

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e)(4)(i) *et seq.* and 42.105(b), the undersigned certifies that on July 3, 2024, a complete and entire copy of this petition for *inter partes* review and all supporting exhibits were provided via United States Postal Service to Patent Owner by serving the correspondence address of record as follows:

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UNITED STATES

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