

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

DYSON, INC. and DYSON TECHNOLOGY
LIMITED,

Plaintiffs,

v.

SHARKNINJA, INC.,
OMACHRON ALPHA, INC., and
OMACHRON INTELLECTUAL PROPERTY
INC.,

Defendants.

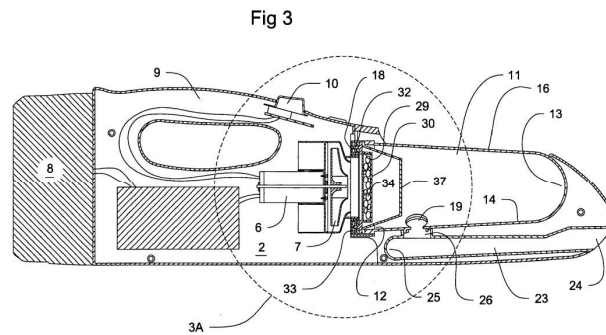
Case No. 2:24-cv-386-JRG

JURY TRIAL DEMANDED

DEFENDANTS' P.R. 3-3 INVALIDITY CONTENTIONS

of the portion is located rearward, the center of gravity of the main body portion can be brought closer to the handle portion. Therefore, when cleaning the ceiling while holding the grip and lifting the main body, the weight of the main body on the grip can be reduced because the center of gravity of the main body is closer to the grip, which is convenient.

See also Ohara Fig. 1; U.S. Publication No. 20060090290 (“Lau”) Fig. 3.



Implementing the handle orientation of these references would provide the above benefits to the base references that do not already include such handle orientation.

A POSITA would have been motivated to substitute different power sources in the above references, for example, by substituting a battery in place of a cord or other air suction source in these specific references, to achieve known benefits of battery operated tools, including increased portability and the ability to use the tool away from wall outlets. Examples of references that include batteries include U.S. Publication No. 20060090290 (“Lau”) ¶26, Fig. 3; JP Publication 2002085297 A (“Ohara”) ¶27, Fig. 1; U.S. Patent No. RE40,542 (“Coburn”) 5:59-6:2 Fig. 1. Implementing the battery of these references would provide the above benefits to the base references that do not already include batteries.

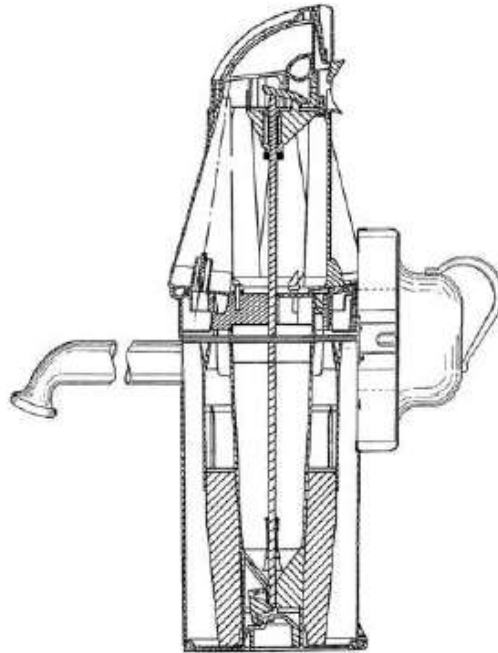
c. Combinations Based on Dyson’s IPR Arguments

In IPRs challenging patents asserted by SharkNinja Operating LLC in the District of Massachusetts and the International Trade Commission, Plaintiffs have argued that a POSITA would have been motivated to combine certain references, and that those combinations render obvious the claims of those patents. As expressed in IPR filings, the patent owner disagrees with

Plaintiffs' proposed combinations.⁴ Nevertheless, to the extent Plaintiff continue to pursue those combinations in IPR, Defendants reserve the right to rely on any such combination of reference put forward by Plaintiffs in such IPRs to demonstrate the invalidity of the Asserted Claims in this litigation. Representative examples of combinations from the IPRs are shown below.

(i) Schmidt + Liddell

In IPR2024-01233 challenging U.S. Patent No. 9,301,666, Plaintiffs propose a combination of German Patent 357279C ("Schmidt") and U.K. Patent Pub. GB2,399,780A ("Liddell"), and argue that a POSITA would have been motivated to combine the references. Defendants incorporate by reference Plaintiffs' arguments with respect to this combination. An image of Plaintiff's mockup of the combination is reproduced below.



The Schmidt + Liddell combination renders obvious all Asserted Claims of the '731 patent. By way of example, as shown in the image above, this combination includes:

⁴ Defendants' reliance in this litigation on any prior art combinations presented by Plaintiffs' in IPR of Omachron patents does not waive any objections to such combinations.

- 
- “a main body which houses a motor and fan unit” (Schmidt at 1);
 - “a power source arranged to power the motor and fan unit” (Schmidt at 1; Liddell at Figs. 1a, 1b);
 - “a handle” (Schmidt at 1);
 - a “separating apparatus located in an airflow path leading from the dirty air inlet to the clean air outlet for separating dirt and dust from an airflow, the separating apparatus comprising a cyclonic separator having at least one first cyclone, wherein the cyclonic separator further comprises a plurality of second cyclones arranged in parallel with one another and located downstream of the or each first cyclone” (Liddell at 2–3, 4–5, Figs. 3a, 3b, 4a, 4b, 4c);
 - “wherein the cyclonic separator has a first end and a second end and the dirty air inlet is connected to the cyclonic separator at a location intermediate the first and second ends thereof” (depicted in image above, with nozzle on left of cyclonic separator; *see also* Schmidt at 1); and
 - “the handle and the dirty air inlet being arranged opposite one another about the cyclonic separator” (depicted in image above, with Schmidt’s handle on right side of cyclonic separator and dirty air inlet (nozzle) on left side; *see also* Schmidt at 1).

The remaining limitations of the dependent claims are either shown in the combined figure above (e.g., “the cyclonic separator lies in a generally upright configuration) or explained in Liddell, which describes in detail the arrangement of the first and second stage cyclones (*see, e.g.*, Liddell at 2–3, 4–5, Figs. 3a, 3b, 4a, 4b, 4c).

To the extent Plaintiffs assert that Schmidt + Liddell does not render obvious any Asserted Claim, such Asserted Claim would be obvious in further view of the knowledge of one of ordinary skill in the art, and it would have been obvious to further combine Schmidt + Liddell with concepts from other prior art, including any primary references or the references identified in Section VI (State of the Art and Obviousness), and/or in view of the knowledge of one of ordinary skill in the art, including as explained herein, to achieve the claimed inventions.

(ii) Simpson + Liddell

In IPR2024-00733 challenging U.S. Patent No. 10,327,607, Plaintiffs propose a combination of U.S. Patent No. 1,940,609 (“Simpson”) and U.K. Patent Pub. GB2,399,780A

DATED: November 22, 2024

GIBSON, DUNN & CRUTCHER LLP

/s/ Mark N. Reiter

Mark N. Reiter (TX Bar No. 16759900)
Nathan R. Curtis (TX Bar No. 24078390)
Ashbey N. Morgan (TX Bar No. 24106339)

GIBSON, DUNN & CRUTCHER LLP

2001 Ross Ave., Suite 2100
Dallas, TX 75201
Telephone: (214) 698-3100
Facsimile: (214) 571-2910
mreiter@gibsondunn.com
ncurtis@gibsondunn.com
anmorgan@gibsondunn.com

Brian A. Rosenthal (NY Bar No. 3961380)

GIBSON, DUNN & CRUTCHER LLP

200 Park Avenue
New York, NY 10166-0193
Telephone: (212) 351-4000
Facsimile: (212) 351-4035
brosenthal@gibsondunn.com

Brian Buroker (DC Bar No. 457158)

GIBSON, DUNN & CRUTCHER LLP

1700 M Street, N.W.
Washington, D.C. 20036-4504
Telephone: (202) 955-8500
Facsimile: (202) 831-6063
bburoker@gibsondunn.com

Andrea L. Fair (TX Bar No. 24078488)

WARD, SMITH & HILL, PLLC

1507 Bill Owens Pkwy
Longview, TX 75604
Telephone: (903) 757-6400
andrea@wsfirm.com

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on November 22, 2024, the foregoing was served upon all counsel of record who have consented to electronic service.

/s/ Nathan Curtis
Nathan Curtis