

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RJ Brands, LLC, d/b/a CHEFMAN,

Petitioner

v.

SharkNinja Operating LLC,

Patent Owner

Case IPR2025-01530

U.S. Patent No. 11,672,377

Declaration of David Smith

in Support of Petition for *Inter Partes* Review of

U.S. Patent No. 11,672,377

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I. INTRODUCTION

I, David Smith, declare as follows:

1. My name is David Smith. I have been retained by counsel for Patent Owner as a technical expert in the above-captioned Inter Partes Review (“IPR”) matter. Specifically, I have been asked to study and provide my opinions on the technology described and claimed by U.S. Patent Nos. 11,672,377 (“the ’377 Patent”). I understand that the Challenged Claims are claims 1-4, and 7-22 of the ’377 Patent. My opinions in this Declaration are limited to those Challenged Claims.

2. My compensation in this matter is not based on the substance of my opinions or the outcome of this matter. I have no financial interest in the Petitioner. Alpine Engineering & Design bills my time at an hourly rate of \$400 for my analysis and testimony in this case.

II. QUALIFICATIONS

3. A copy of my Curriculum Vitae is attached to my declaration in this proceeding. It includes details of my education, professional, and employment credentials. Further experience with ice makers and other electromechanical products is laid out below.

4. I am currently the President of Alpine Engineering & Design, Inc. I am a registered Professional Mechanical Engineer in the States of Utah and Idaho. I am also a Certified Safety Professional in comprehensive practice. I received my

Bachelor of Science degree in Mechanical Engineering from Brigham Young University - Idaho, in 2007. I received a Master of Science Degree in Mechanical Engineering and a Master of Business Administration (MBA), with an emphasis in Product Development, from Brigham Young University in 2011. I have approximately 15 years of experience in the fields of mechanical engineering, product development, mechanical design, and much of this design work has involved industrial and consumer products. In my role as a consultant, I have worked on numerous appliance products, including pressure cookers, baby bottle warmers, smokers, ice makers, coffee makers, grinders, blenders, electronic kiosks, electronically controlled exercise machines and the like.

5. I am a named inventor on 7 U.S. patents with a number of other patent applications pending. A list of my patents is appended with my CV. I have significant experience with the patent process.

6. My experience of over 20 years in academic and practical situations as well as my hands-on experience has given me a detailed appreciation of the technology involved with the '377 Patent.

III. MATERIALS CONSIDERED

7. In writing this Declaration, I have considered the following: my own knowledge and experience, including my work and consulting experience in the above fields; and my experience in working with others involved in those fields. I

have also reviewed the exhibits filed with the Petition. Among the references considered are the '377 Patent (EX1001), the File History of U.S. Patent Application 17/837,768 (the '768 Parent Application") that issued as the '377 Patent (EX1004); U.S. Provisional Application No. 62/874,193 (the '193 Provisional Application)(EX1005); PCT Publication No. WO2021011642A1 ("the '642 PCT")(EX1008); Chinese Utility Model Patent No. CN110664270A ("Zhang") and corresponding Certified English Translation (EX1010); Chinese Utility Model Patent No. CN210354396U ("Guo") with Certified English Translation (EX1011); PCT Publication No. WO2018095949A1 ("Philips")(EX1012); US Publication No. 2017/0231430A1 ("Moon")(EX1013); and PCT Publication No. WO2019068193A1 ("Conrad")(EX1014); and U.S. Patent No. 7,708,008 ("Elkasevic")(EX1015). To the extent not listed, I have also reviewed any and all materials cited within my declaration.

8. I have relied upon my experience, education and knowledge in the relevant art. In formulating my opinion, I have considered the viewpoint of a person of ordinary skill in the art ("POSITA").

IV. LEGAL FRAMEWORK

A. Patent Validity

9. In formulating my opinions, I have been instructed to apply certain legal standards. I am not a lawyer. I do not offer any testimony regarding what the

law is. Instead, the following sections summarize the law as I have been instructed to apply it in formulating and rendering my opinions found later in this declaration. I understand that, in an *inter partes* review (“IPR”) proceeding, patent claims may be deemed unpatentable if it is shown that they are anticipated or rendered obvious in view of the prior art. I understand that prior art in an IPR review is limited to patents or printed publications that predate the priority date of the patent at issue. I understand that questions of claim clarity (definiteness) and enablement cannot be considered as a ground for considering the patentability of a claim in these proceedings. I have been informed by counsel for Petitioner that the following legal principles apply to an analysis of patentability based on 35 U.S.C. §102 and 35 U.S.C. §103 for obviousness. I have also been informed that, in an *inter partes* review proceeding such as this proceeding, to render a patent claim unpatentable, Petitioner must show by a preponderance of the evidence that the claim would have been rendered obvious by one or more properly combined prior art patents or publications.

10. I am not a lawyer and will not provide any legal opinions. Although I am not a lawyer, I have been informed and understand that certain legal standards are to be applied by technical experts in forming opinions regarding the meaning and validity of patent claims.

11. I have been informed and understand that, to anticipate a claim under 35 U.S.C. § 102, a reference must teach every element of the claim either expressly or inherently to a person having ordinary skill in the relevant art. I have been informed and understand that an anticipating reference need not use the exact terms of the claims, but must describe the patented subject matter with sufficient clarity and detail to establish that the claimed subject matter existed in the prior art and that such existence would be recognized by persons of ordinary skill in the field of the purported invention. I also have been informed and understand that an anticipating reference must enable one of ordinary skill in the art to reduce the purported invention to practice without undue experimentation.

12. Further, I have been informed and understand that a patent claim is not patentable under 35 U.S.C. § 103 if the differences between the patent claim and the prior art are such that the claimed subject matter as a whole would have been obvious at the time the claimed invention was made to a person having ordinary skill in the relevant art.

13. I have been informed and understand that to render a claim obvious, a combination of prior art references must disclose each claim element of that claim, and that obviousness is a question of law based on the underlying facts. I understand that the underlying factual inquiries are: (1) the scope and content of the prior art, (2) the differences between the prior art and the claims at issue, (3) the level of

ordinary skill in the pertinent art, and (4) secondary considerations of non-obviousness.

14. I am also informed and understand that the fact that all of the elements of a claimed invention can be found separately in more than one prior art reference is not sufficient to warrant a finding that a claimed invention is obvious. There must be a reason why it would have been obvious to modify or combine the prior art to arrive at the claimed invention. I understand that a helpful insight into this determination is whether there is a teaching, suggestion or motivation in the prior art that would lead one of ordinary skill in the art to combine the elements. When there is no suggestion for the proposed combination, or when the prior art suggests something other than the combination, a finding of obviousness is generally not warranted.

15. I have been informed and understand that there are recognized, exemplary, rationales for combining or modifying references to show obviousness of claimed subject matter. Some of the rationales include the following: combining prior art elements according to known methods to yield predictable results; simple substitution of one known element for another to yield predictable results; use of a known technique to improve a similar device (method or product) in the same way; applying a known technique to a known device (method or product) ready for improvement to yield predictable results; choosing from a finite number of

identified, predictable solutions, with a reasonable expectation of success; known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations are predictable to one of ordinary skill in the art; and some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art teachings to arrive at the claimed invention.

16. I also have been informed and understand that even if one can demonstrate a reason to combine references, a prima facie case of obviousness cannot be shown without a reasonable expectation of success, which is determined at the time the invention was made. I also understand that for a finding of obviousness, at least some degree of predictability is required when considering a combination of references. I have also been informed that common sense may be considered. Common sense teaches that familiar items may have obvious uses beyond their primary purposes. I have been informed that if the combination was obvious to try (regardless of whether it was actually tried) or leads to anticipated success, then it is likely the result of ordinary skill and common sense rather than a non-obvious innovation.

17. I have been informed and understand that a precise teaching in the prior art directed to the subject matter of the claimed invention is not needed. I have been

informed that one may take into account the inferences and creative steps that a person of ordinary skill in the art would have employed in reviewing the prior art at the time of the invention. For example, if the claimed invention combined elements known in the prior art and the combination yielded results that were predictable to a person of ordinary skill in the art at the time of the invention, then this evidence would make it more likely that the claim was obvious. On the other hand, if the combination of known elements yielded unexpected or unpredictable results, or if the prior art teaches away from combining the known elements, then this evidence would make it more likely that the claim that successfully combined those elements was not obvious.

18. I have been informed and understand that prior art must be considered in its entirety, including disclosures that teach away from the claimed invention. Furthermore, if a proposed modification to a prior art reference would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.

19. I have been informed and understand that the pertinent obviousness inquiry takes place at the time of the invention. Therefore, the use of hindsight in an obviousness analysis is impermissible.

20. I have been informed and understand that whether there are any relevant differences between the prior art and the claimed invention is to be analyzed from

the view of a person of ordinary skill in the relevant art at the time of the invention. As such, my opinions below as to a person of ordinary skill in the art are as of the time of the invention, even if not expressly stated as such; for example, even if stated in the present tense.

B. Patent Priority

21. I have been informed and understand that later-filed patent applications may claim priority to one or more earlier-filed patent applications, such as non-provisional patent applications that claim priority to earlier-filed provisional patent applications. However, for the later-filed patent to benefit from such priority claim, the priority patent application must support the claimed subject matter by establishing that the disclosure of the application relied upon reasonably conveys to those skilled in the art that the inventor had possession of the claimed subject matter as of the filing date.

C. Level of a Person of Ordinary Skill in the Art

22. I was asked to provide my opinion as to the level of skill of a person of ordinary skill in the art (“POSITA”) of the ’377 Patent at the priority date of the claimed invention, which I considered to be July 15, 2020 for reasons discussed below, not the date of the ’193 Provisional Application. My opinions herein are not altered should the priority date instead be the date of the ’193 Provisional Application, July 15, 2019. For example, my opinions in Ground 3, discussed below,

are not impacted by priority date as the references therein are prior art even under a July 15, 2019, priority date.

23. In determining the characteristics of a hypothetical POSITA of the '377 Patent, I considered several factors, including the type of problems encountered in the art, the solutions to those problems, the rapidity with which innovations are made in the field, the sophistication of the technology, and the education level of active workers in the field. I also placed myself back in the time frame of the claimed invention and considered the colleagues with whom I had worked at that time.

24. In my opinion, a POSITA as of the earliest applicable priority date for the '377 patent would have had at least a bachelor's degree in mechanical engineering, industrial design, product design, or electrical engineering (or an equivalent field) or at least two years of work experience involving research and development or new product development of cooking devices, electronic enclosures, or kitchen appliances. More education can supplement practical experience and vice versa. Such a POSITA would have been capable of understanding the '377 Patent and the prior art references discussed herein. As illustrated in my CV, I had more than ordinary skill in the art as of the priority date of the patent. However, I apply the level of ordinary skill throughout this declaration. My opinions provided in this declaration would not change in view of minor modifications to this level of ordinary skill.

V. PRIORITY OF THE '377 PATENT

A. Priority Claim

25. The '377 patent was filed on June 10, 2022 as a continuation application of U.S. Patent Application No. 17/219,238, which is a continuation application of U.S. Patent Application No. 17/159,414, which was a national stage of PCT Application No. PCT/US2020/042120, filed on July 15, 2020, and published as PCT Publication No. WO2021011642A1 (“the '642 PCT”). The '642 PCT claimed priority to U.S. Provisional Application No. 62/874,193 (“the '193 Provisional Application”), filed July 15, 2019. For the reasons below, it is my opinion that the '377 Patent is not entitled to the priority date of the '193 Provisional Application—July 15, 2019. Therefore, for purposes of this *inter partes review*, it is my opinion that the earliest priority date could *potentially* be is July 15, 2020. I offer no opinion herein as to whether the subject matter of the '377 Patent or PCT Application No. PCT/US2020/042120 supports claim language of “divider wall” but, for reasons discussed below, it is my opinion that the disclosure of the '193 Provisional Application does not support the claim language of “the first internal compartment and the second internal compartment being separated by a dividing wall extending upward from a base of the housing.”

B. Specification of the '377 Patent

26. I have reviewed the specification of the '377 patent, which is directed to a cooking system having a housing with two internal compartments for receiving cooking containers. EX1001 5:32-39. Each of the internal compartments has a heating element and fan. EX1001 5:49-54. The '377 patent provides that the “first internal compartment being fluidly separate from the second internal compartment.” EX1001 5:20-22. The '377 achieves this separation by using a divider wall 130 as shown in FIGS. 14 and 15. EX1001 13:4-27.

C. Prosecution History

27. In reviewing the '193 Provisional, the '642 PCT, and the specification of the '377 Patent, new disclosure, including new figures and new description, was added to the '193 Provisional upon filing the '642 PCT related to the divider wall. Originally, the '193 Provisional was filed with FIGS. 1-12. EX1005. Later, FIGS. 13-15 were added along with the accompanying description for the divider wall. EX1008, ¶[0110]. No discussion of the divider wall or its equivalent was mentioned prior to the PCT filing on July 15, 2020.

28. Upon filing the '768 Parent Application, the Applicant introduced the claims with the dividing wall. EX1004, pg.328. The only potential support for the amendment adding the “dividing wall” limitation is found in FIG. 14 and 15 and accompanying disclosure, which was added on July 15, 2020, in the '642 PCT.

During prosecution, the Applicant amended claims 2, 11, and 14 as directed by the Examiner to address claim informalities. EX1004, pg.140-143. In addition, Patent Owner added two new dependent claims. The remaining claims were granted without any amendments. EX1004, pg.41-45. The disclosure of the '193 provisional does not mention or discuss a divider wall or anything which could support a divider wall.

D. The '193 Provisional Application Does Not Contain Written Description Support for Forming a Divider Wall as in the Challenged Claims

29. All challenged independent claims recite the “divider wall” limitation. EX1001. The specification of the '377 patent uses the term “divider” and does not use the term “dividing wall.” EX1001 13:4-27. Neither the terms “divider” or “dividing wall” appear in the '193 provisional. The term “divider” was added in July of 2020 to the '642 PCT. EX1008. The following paragraph, which accompanies newly added figures 13-15, shows the additions from the '193 provisional to the '642 PCT:

With reference now to FIGS. 8-158-12, in an embodiment of the cooking system **20**, the housing **22** includes a plurality of internal compartments arranged within the interior of the housing **22**. For example, as best shown in FIGS. **8, 14, and 15**, the housing **22** is illustrated as having a first internal compartment **28a** and a second internal compartment **28b**, separated from one another at least in part by a divider or wall **130**. The divider **130** extends vertically from a base of the housing or liner **30** and forms a sidewall of a bottom portion of two adjacent internal compartments **28a, 28b**. In an embodiment, the divider **130** extends to a lower edge of an upper

portion of each internal compartment 28a, 28b, the upper portion of each internal compartment containing the respective heating element 70a, 70b, and air movement mechanism 76a, 76b associated therewith. As shown, the plurality of internal compartments 28a, 28b (both the upper and lower portions) are fluidly separate from one another. Although two internal compartments 28a, 28b are illustrated and described herein, it should be understood that embodiments including any number of internal compartments, such as more than two compartments are also within the scope of the disclosure. The plurality of internal compartments 28a, 28b may be substantially similar in size and shape, or alternatively, may be different.

compare EX1008, ¶[0110] to EX1005, 45, ¶[0101]. Subsequently, the “dividing wall” limitation was added to the claims upon filing the ’377 patent. EX1004, 328. It is my opinion that the only support in the ’377 patent for the claim feature of a “dividing wall” is the newly added disclosure to the ’642 PCT. This newly added disclosure was not included in the ’193 provisional. EX1005, 45, ¶[0101].

30. Second, Patent Owner’s revisions from the provisional to the PCT refers to “FIGS. 8, 14 and 15” as shown above. EX1004, pg.323. Although FIG. 8 was included in the ’193 Provisional, Patent Owner did not label any feature in FIG. 8 (or any other figure) as a divider wall 130. EX1005, 12-23. FIG. 8 of the ’193 Provisional, which is reproduced below, does not disclose a divider wall:

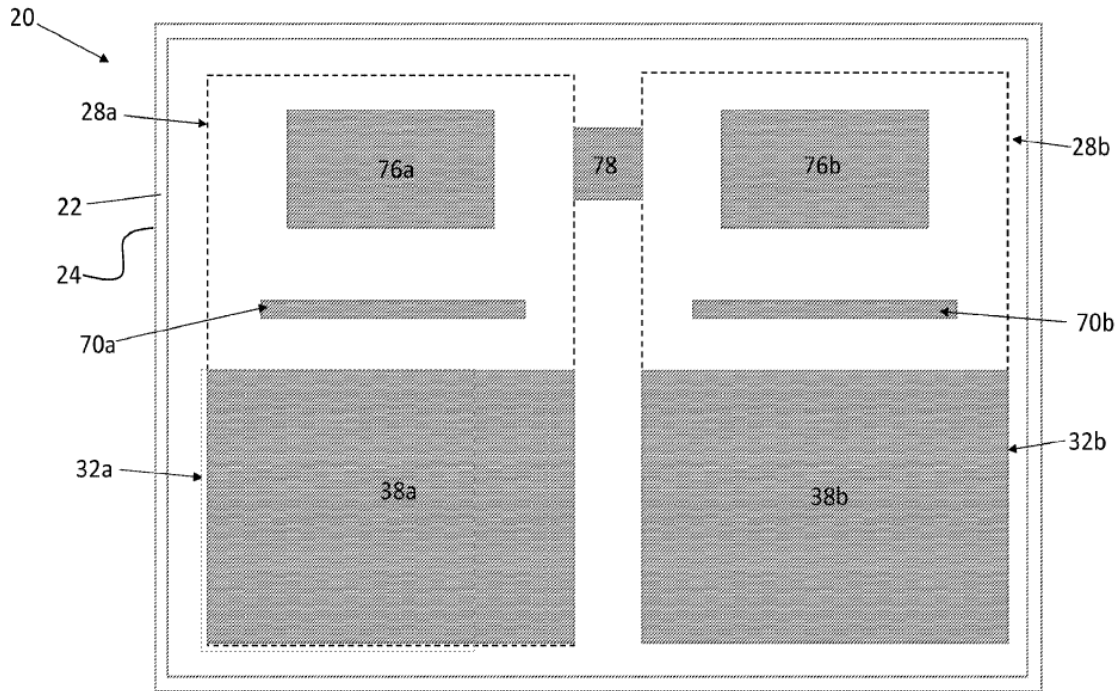
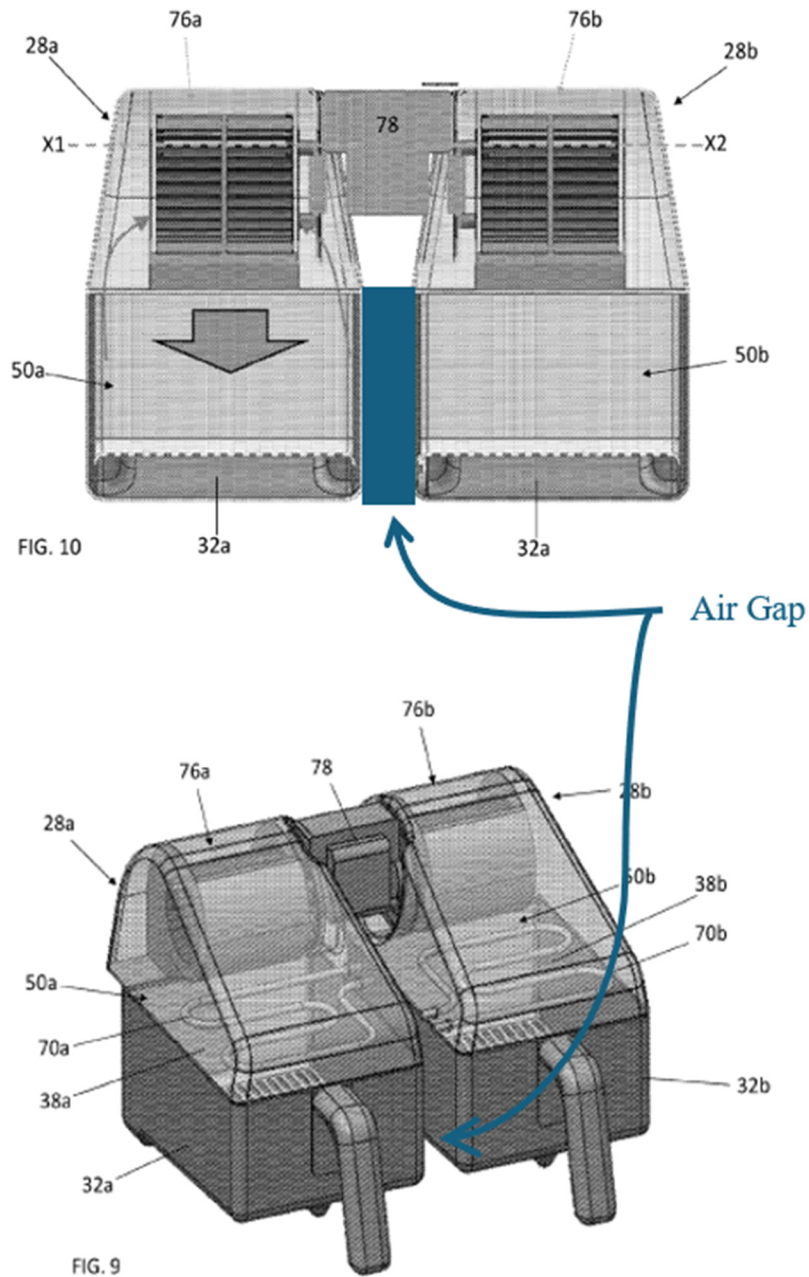


FIG. 8

EX1005, FIG. 8.

31. Instead of showing and/or describing a divider wall 130 as the applicant did in the '642 PCT, the '193 provisional merely indicates that the “two internal compartments **28a**, **28b** are fluidly separate from one another.” EX1005, 45, ¶[0101]. Not only does FIG. 8 of the '193 provisional lack a divider wall, FIG. 8 also lacks an “a base of the housing or liner 30.” This is clear from FIGS. 9-11 of the Provisional, which are described as different views of FIG. 8. For example, Figures 9-10, which are described as perspective views of Fig. 8, do not disclose a divider wall and instead show an air gap between the claimed compartments. EX1005, 36-37, ¶[0075]-[0079]. As shown below, no wall is disclosed.



EX1005, Fig. 9-10.

32. It is my opinion that the divider wall cannot be inferred from an absence of disclosure as shown in the Provisional's figures, when newly added FIGS. 14 and 15, along with the newly provided disclosure are the only support for the claimed

divider wall limitation. Thus, it is my opinion that the '193 Provisional, which discloses only a dual air-fryer separated by an air gap is insufficient to provide support for at least the divider wall limitation in all challenged claims.

33. Thus, it is my opinion that the only purported support for the divider wall was added on July 15, 2020, with the filing of the PCT. In view of this deficiency, the earliest priority date for the '377 patent that should be used for evaluating the grounds is July 15, 2020.

VI. OVERVIEW OF THE PRIOR ART REFERENCES

A. Guo (EX1011)

34. Chinese Utility Model Patent No. CN110664270A, filed March 16, 2019, published on April 21, 2020, lists Xin Guo as inventor (hereinafter “Guo”). Guo is prior art under at least 35 U.S.C. § 102(a)(1) because the '377 Patent is not entitled to its provisional filing date as discussed in section V, above.

35. Guo discloses a multi-chamber food processor that may be in vertical (Fig. 1) or horizontal (Figs. 2-4) configuration.

36. Guo discloses its “main body 1 is provided with a plurality of installation chambers 10, a fryer assembly 2 is installed in each corresponding installation chamber 10.” EX1011, ¶[0026]. Each “the fryer assembly 2 comprises a fryer 21, a fry basket (not shown in the figure) inside the fryer 21, and a handle 22 connected to the fryer 21. The fryer assembly 2 is horizontally inserted into the installation

chamber 10 on the main body to achieve detachability of the fryer assembly 2.”
EX1011, ¶[0027].

37. Above each fryer assembly 2 is “further provided with a fan assembly 4 that blows air to the heating devices 3, and each heating device 3 operates independently.” EX1011, ¶[0026].

38. A horizontal configuration shown in Fig. 4 including two fryer sub-assemblies (not labeled). Fig. 4 is reproduced below.

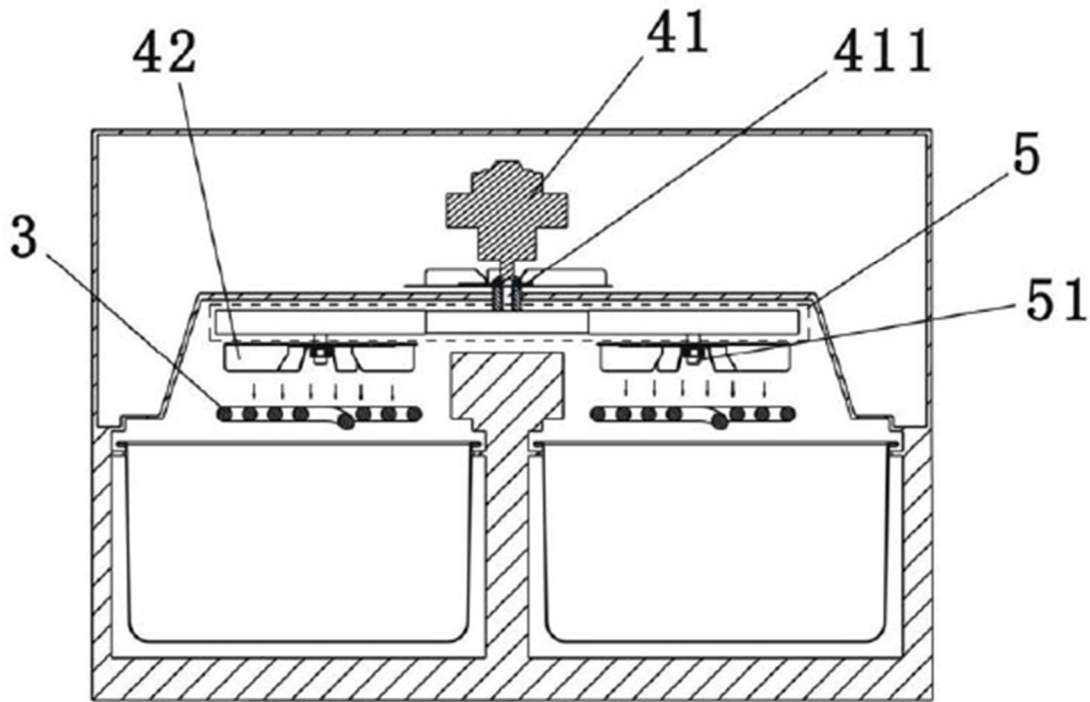


图4

EX1011, Fig. 4.

39. In this embodiment,

the fan assembly comprises a motor 41, the end of the motor shaft 411 is installed with a transmission device 5 (shown by the dotted line in FIG. 4). The transmission device 5 has two output shafts 51, each output shaft 51 is installed with a circulating fan 42, and each circulating fan 42 is located at the air inlet of the air duct and above the heating device 3.

EX1011, ¶[0034].

40. Fig. 4, above, further shows that each of Guo's fryer subassemblies are located in a respective cavity, wherein each respective cavity is formed by the outer housing, as well as a dividing wall extending from the bottom of the housing (all shown integral cross-hatched). EX1011, Fig. 4. As Fig. 4 is a cross-sectional view, the interface between the outer housing and the outer portion of the fryer subassembly is not expressly shown. However, it is my opinion that the POSITA would understand that this interface is the same as Fig. 1 (vertical configuration) because Guo indicates the differences are only in the horizontal configuration, and the blower assembly configuration. EX1011, [0032], [0034]:

[0032] ... The difference between this embodiment and Embodiment 1 is: in this embodiment, the food processor has a horizontal structure, and there are two fryer assemblies 2. A corresponding air duct 11 is provided above each of the two heating devices 3, and the rear ends of the two corresponding air ducts 11 are connected. There is one fan assembly 4, and the fan assembly is installed at the connection point of the rear ends of the two air ducts 11. ...

[0034] ... The difference between this embodiment and Embodiment 2 is: in this embodiment, the fan assembly comprises a motor 41, the end of the motor shaft 411 is installed with a transmission device 5 (shown by the dotted line in FIG.

4). The transmission device 5 has two output shafts 51, each output shaft 51 is installed with a circulating fan 42, and each circulating fan 42 is located at the air inlet of the air duct and above the heating device 3. When the motor 41 drives the transmission device 5 to operate, the transmission device 5 drives the two output shafts 51 to rotate, thereby making the circulating fans 42 to operate and blowing air to the heating device 3 for circulation.”

B. Philips (EX1012)

41. International Publication WO2014/189185 A1 (hereinafter “Philips”) published on May 31, 2018, is prior art under at least 35 U.S.C. § 102(a)(1).

42. Philips discloses a cooking appliance having two separate cooking compartments that can operate independently and simultaneously. Each compartment includes its own heating element and airflow path, enabling the preparation of different food items at the same time without flavor transfer. EX1012 3:10-25; 5:3-20.

43. The two compartments are physically separated by an internal divider, and each contains a respective fan for circulating heated air within that compartment. *Id.*, 6: 5-15; 17, Fig. 2, Fig. 6. This separation allows isolation of airflow, reducing cross-contamination and maintaining optimal cooking conditions in each. *Id.*, 6:16-28.

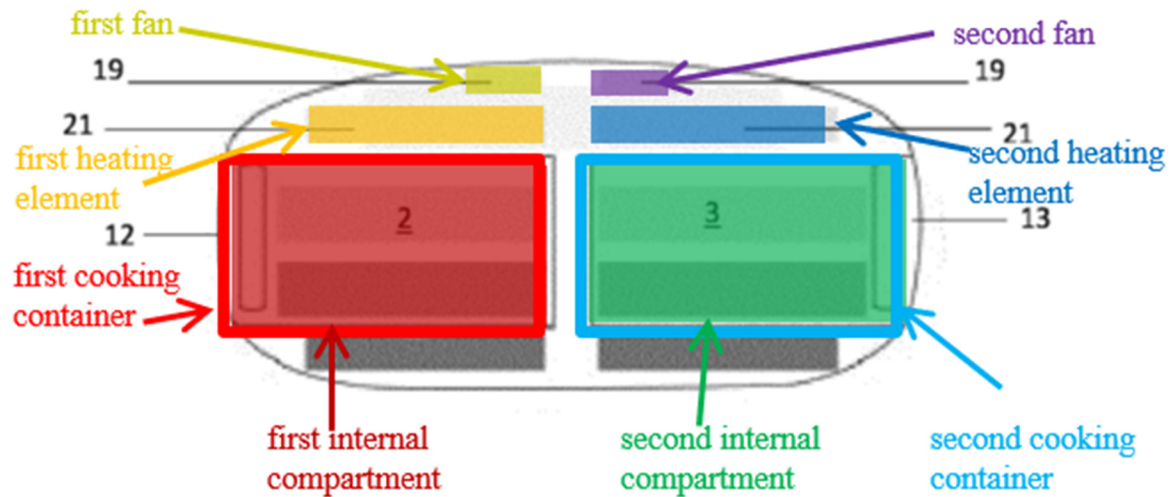


FIG. 6

44. Philips, Fig. 6 annotated and reproduced above, further teaches that each compartment has independent control of cooking time and temperature, enabling different settings for different food types. EX1012, 4:12-30. Control may be achieved via separate user interfaces for each compartment or through a single interface allowing toggling between compartments. *Id.*, 7:1-14. Philips teaches its dual configuration can increase throughput by cooking multiple items in parallel and can improve energy efficiency by heating only one compartment when smaller quantities are prepared. EX1012, 5:21-35.

C. Moon (EX1013)

45. United States Patent Application Publication No. US 2017/0231430 A1 by Moon (hereinafter “Moon”) published on August 17, 2017, and is prior art under at least 35 U.S.C. § 102(a)(1). EX1013.

46. Moon was filed on February 13, 2017, and discloses an air fryer system comprising a base having a heating source and an air source located therein, both powered by an AC power cord. EX1013, ¶[0009]. The fryer includes a cooking chamber defined within the base and a cooking drawer which fits securely within the chamber and substantially seals the chamber against heat loss during use. *Id.*, ¶[0009]; ¶[0038].

47. The cooking drawer, in the closed position, forms a continuous outer surface with the base, such that the cooking chamber is fully enclosed and heat is retained. When closed, the drawer is detected by a safety sensor that allows the heating source to operate; opening or improper positioning causes the controller to shut off heating. EX1012, ¶[0038]. The sealing and continuous-surface configuration ensures temperature consistency and energy efficiency by minimizing thermal leakage.

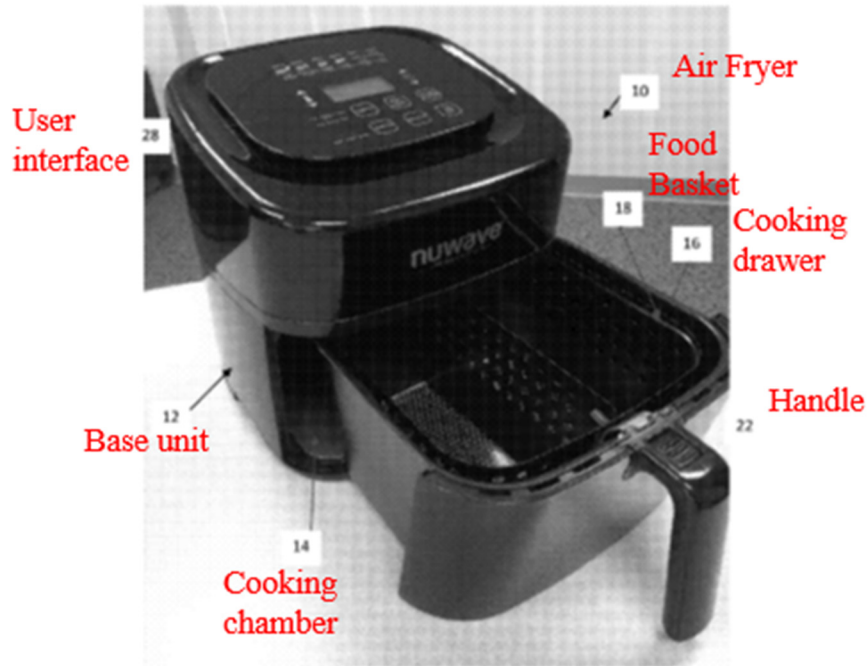


FIG. 2

48. As shown in Moon’s Fig. 2 annotated and reproduced above, Moon further describes a removable handled food basket positioned within the cooking drawer, which may include a divider, and openings on all surfaces for directing heated airflow. EX1013, ¶[0038], ¶[0039]. The bottom surface of the drawer includes a contour configured to direct air in a controlled flow pattern through the basket, contributing to even heating. *Id.*, ¶[0039]; ¶[0040].

D. Conrad (EX1014)

49. International Publication WO2019/068193A1 (hereinafter “Conrad”), published on April 11, 2019, and is prior art under at least 35 U.S.C. § 102(a)(1). EX1014.

50. Conrad is directed to a table-top kitchen device comprising a first and second food preparation chamber. These chambers are physically separated from each other in such a way that each chamber includes an autonomous cooking environment.

51. Conrad discloses an air-fryer with dual cooking zones where “each ‘cooking zone’ is a distinct volumetric region within cooking chamber 104 that can be selectively subjected to different cooking conditions from the other cooking zone(s).” EX1014, ¶[00145]. For example, Conrad teaches that within “each cooking zone 180, these cooking devices may be selectively activated and deactivated according to a cooking program (e.g. set temperature, humidity, convection speed) independently of the cooking devices in the other cooking zone 180.” EX1014, ¶[00149].

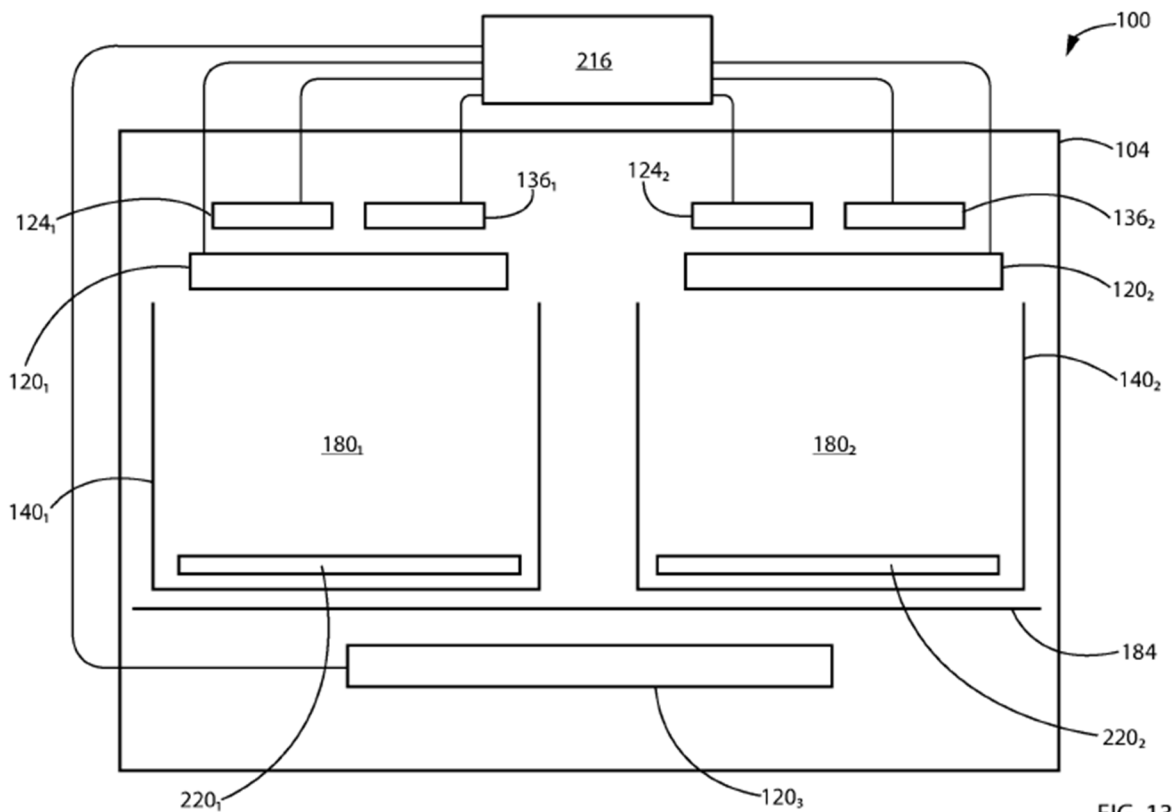


FIG. 13

52. Conrad's Fig. 13 is reproduced above and includes: "controller 216 which is communicatively coupled to the cooking devices (e.g. heating elements 120, air movers, 124, and steam generators 136) associated with the plurality of cooking zones (e.g. first and second zones 180₁ and 180₂) defined within cooking chamber 104." The cooking program may be selected by a user. EX1014, ¶[00162]. Conrad's controller 216 produces "different cooking conditions (temperature, convective air speed, and/or humidity) in the two cooking zones 180." EX1014, ¶[00164]. In particular, Conrad teaches receiving inputs through the controller 216

to execute a cooking program, which may be “stored in memory within controller 216, and selected by the user.” EX1014, ¶[00223].

VII. CLAIM CONSTRUCTION

53. In my opinion, for purposes of this Petition, none of the terms in the Challenged Claims require additional construction beyond their plain and ordinary meaning as a POSITA would understand them at the time of the invention and in view of the specification of the '377 Patent.

VIII. GROUND 1: GUO RENDERS OBVIOUS CLAIMS 1-4, 7-10 AND 18

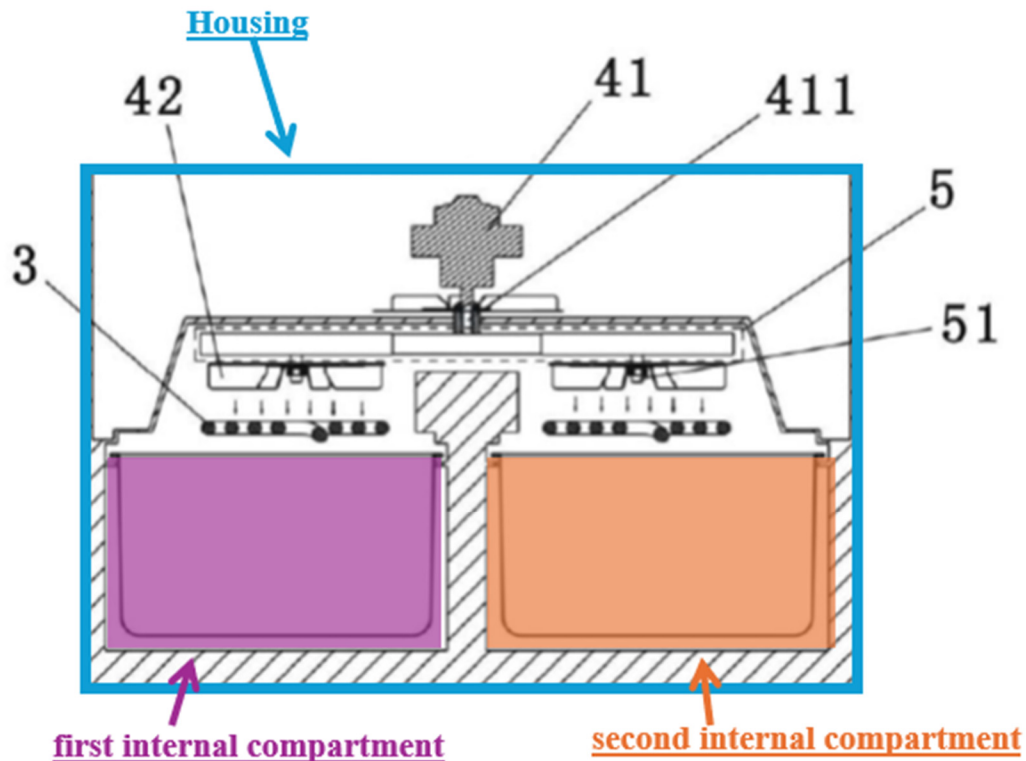
A. Claim 1

Claim 1[pre]

54. It is my opinion that Guo discloses “a multi-chamber food processor that has multiple chambers to accommodate a plurality of fryer assemblies.” EX1011, ¶[0004]. Air fryers are a type of cooking system that would be within Claim 1.

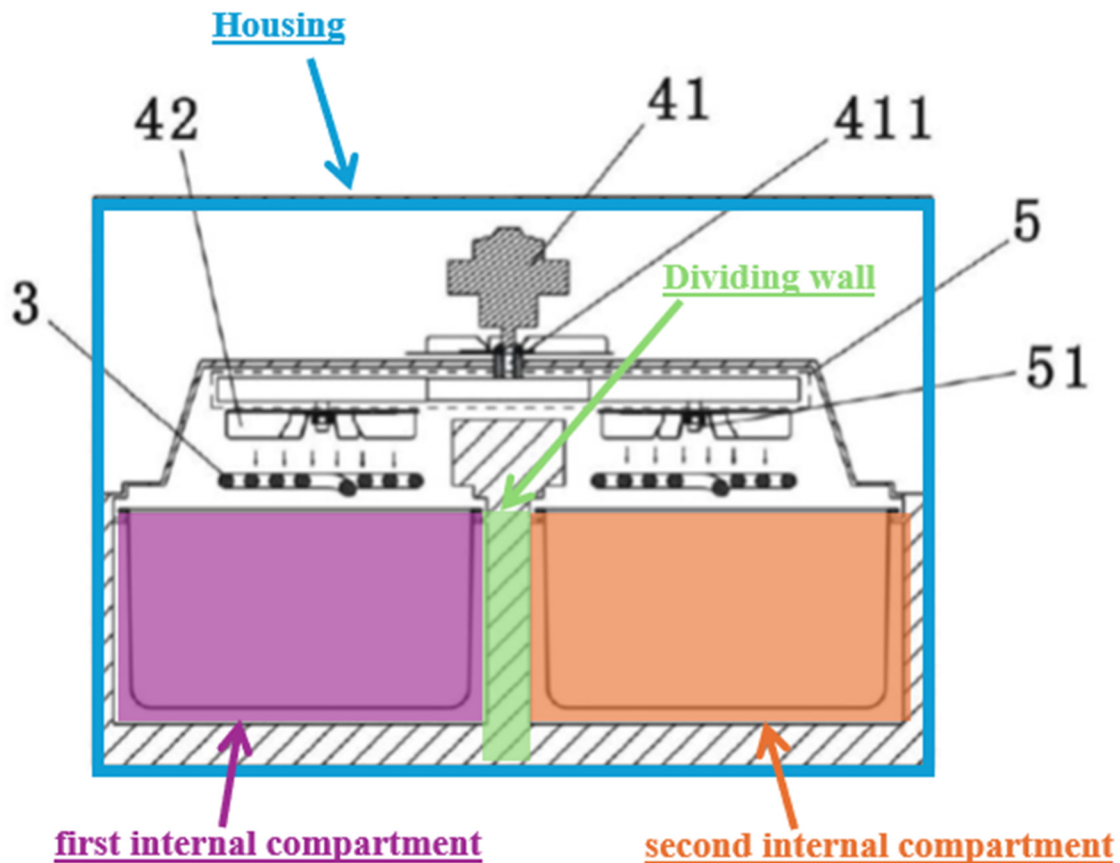
Claim 1[a]

55. It is my opinion that Guo discloses “a housing having a first internal compartment and a second internal compartment.” Guo explains that “main body 1 is provided with a plurality of installation chambers 10”. EX1011, ¶[0026]. The installation cavities are the internal compartments as claimed.



Claim 1[b]

56. It is my opinion that Guo discloses “the first internal compartment and the second internal compartment being separated by a dividing wall extending upward from a base of the housing.” Guo shows a divider wall between the two internal compartments and extends upward from the base of the housing in FIG. 4 to have independent cooking compartments. EX1011, ¶[0038]. It is my opinion that a POSITA would understand that a divider wall is shown as an obvious separator for the internal compartments.

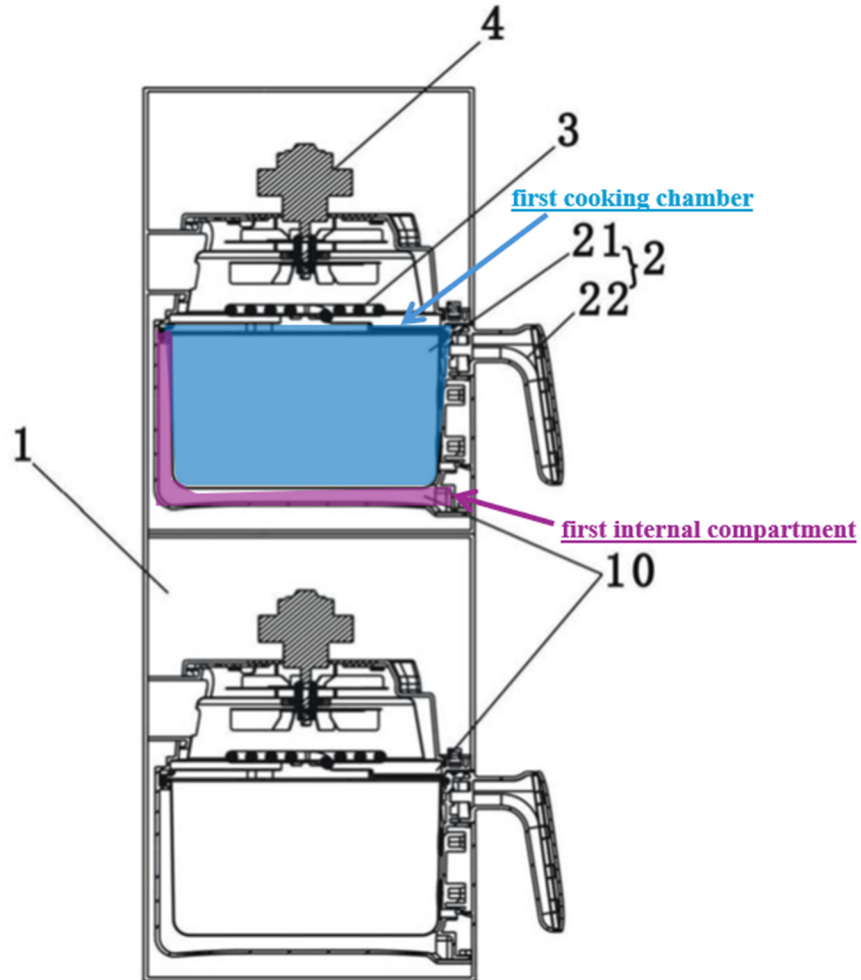


57. It is my opinion that a POSITA would recognize this is as a divider wall based on Guo’s disclosed functions of operating the heating devices independently, as well as the inhibition of “smell channeling” which does not occur in Guo. Guo states “because each fryer component works separately, the problem of smell channeling does not occur in the process of making food.” EX1010, [0017]. It is my opinion that a POSITA would recognize that to prevent smell channeling, or the odors from foods cooking in each compartment intermingling, a divider wall that prevents airflow between each compartment is necessary. Moreover, Guo discloses that each fryer subassembly is placed within a “installation cavity.” EX1010, [0026].

It is my opinion that a POSITA would recognize that in order to have multiple installation cavities, a wall has to separate the cavities to allow fryer assemblies to be placed and allow independent cooking.

Claim 1[c]

58. It is my opinion that Guo discloses “a first cooking container defining a first cooking volume, said first cooking container being removably receivable within said first internal compartment to completely close off an opening to said first internal compartment when fully inserted therein.” Guo discloses that the first internal compartment is capable of receiving the first cooking chamber. EX1011, ¶[0027] (“fryer assembly 2 is horizontally inserted into the installation chamber 10 on the main body to achieve detachability of the fryer assembly 2.”). The POSITA would understand that when inserted into the installation chamber 10, the internal compartment is completely closed off and has a cooking volume defined by the bottom and two sides, as shown in Figure 1 annotated below.



59. It is my opinion that a POSITA would understand the fryer assembly 2 in Guo's FIG. 1 applies to all Guo figures. FIG. 1 is the only figure in Guo that shows the "fryer assembly 2", but it is understood that those fryer assemblies are the same in all figures of Guo because Guo expressly calls out the differences between embodiments and does not list the fryer assembly 2 as being different:

The difference between the present embodiment and the first embodiment is: in this embodiment, the food processor is in a horizontal structure, and the fryer assemblies 2 have two, and a corresponding air blowing channel 11 is disposed above each of the two corresponding heating devices 3, and the rear ends of the two corresponding air blowing channels 11 are

connected, wherein the blower assembly 4 is one and is installed at the rear end connection of the two air blowing channels 11.

EX1011, [0036].

The present embodiment is different from the second embodiment in that: in this embodiment, the blower assembly includes a motor 41, a transmission device 5 (shown by a dotted line in fig. 4) is installed at the end of a motor shaft 411, wherein the transmission device 5 has two output shafts 51, two circulation fans 42 are respectively installed on the two output shafts 51, and each circulation fan 42 is disposed at an air inlet of the blowing channel and above the heating device 3, and after the motor 41 drives the transmission device 5 to act, the transmission device 5 drives the two output shafts 51 to rotate, so as to realize the operation of the circulation fans 42 and to circularly blow air to the heating device 3.

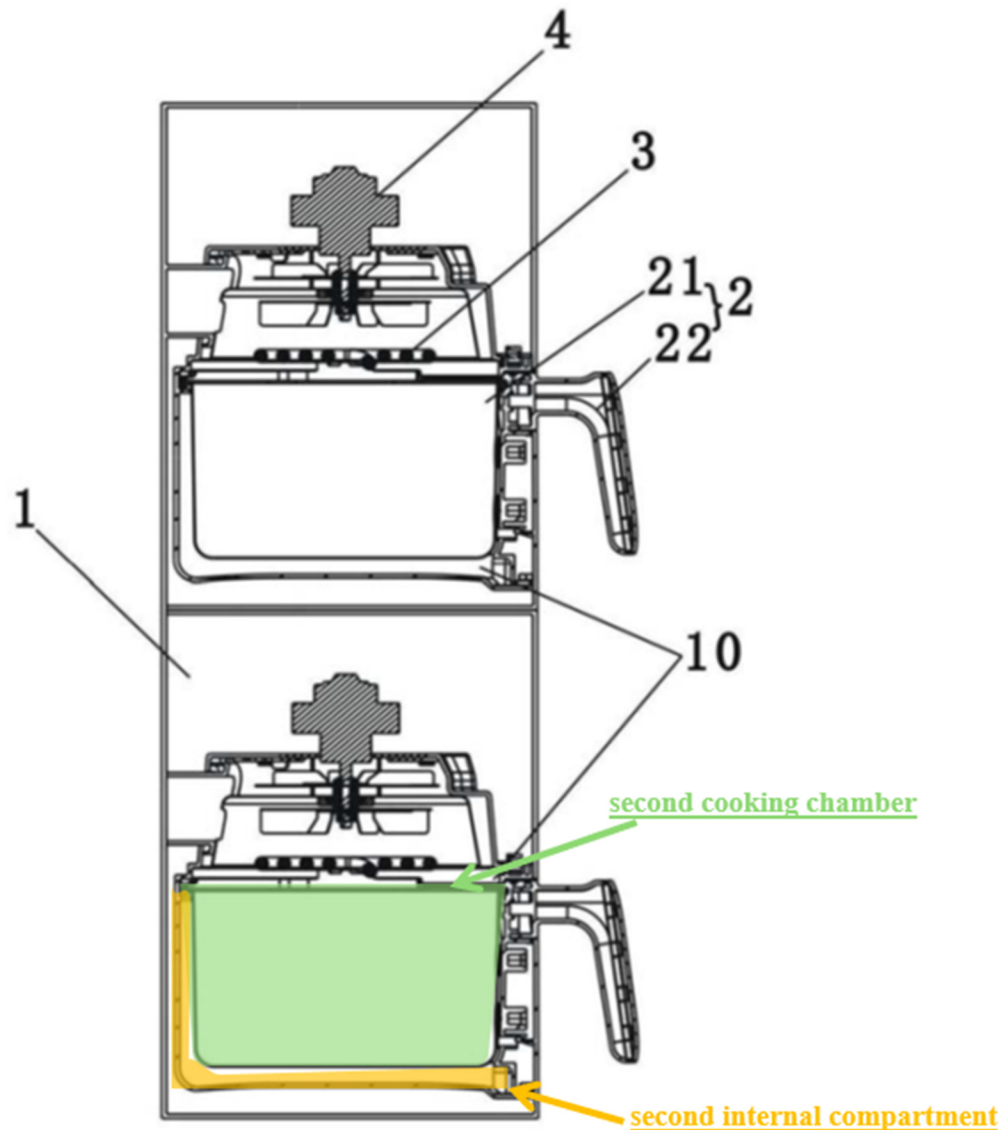
EX1011, [0039].

Claim 1[d]

60. It is my opinion that Guo discloses “a second cooking container defining a second cooking volume, said second cooking container being removably receivable within said second internal compartment to completely close off an opening to said second internal compartment when fully inserted therein.” Guo provides a plurality of chambers that are integrated on a main body and that the second internal compartment is capable of receiving the second cooking chamber. EX1011 ¶[0026]-[0027]. Guo discloses that the second internal compartment is capable of receiving the second cooking chamber. EX1011, ¶[0027] (“fryer assembly 2 is horizontally inserted into the installation chamber 10 on the main body to achieve detachability of the fryer assembly 2.”). It is my opinion that POSITA

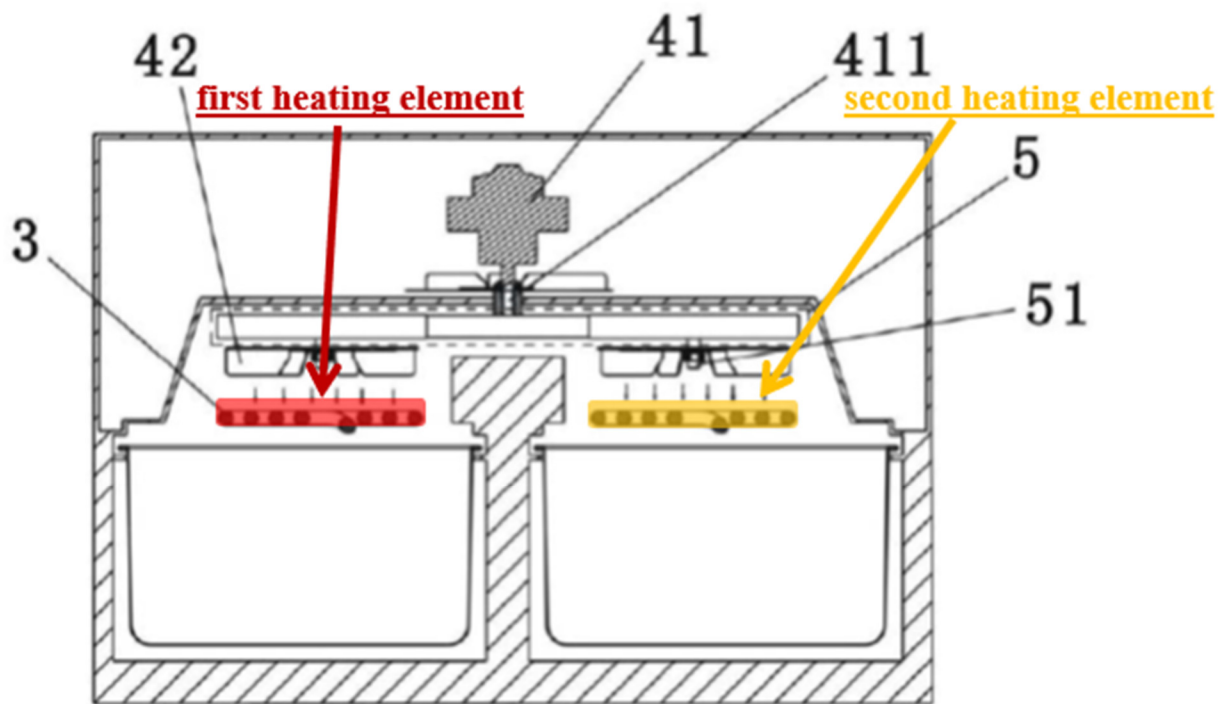
would understand that based on the figures there is shown a second cooking chamber that is receivable in the compartment to completely close off an opening.

61. My discussion above regarding the application of Guo's fryer assembly 2 to all figures in limitation 1[c] applies equally and is incorporated by reference here.



Claim 1[e]

62. It is my opinion that Guo discloses “a first heating element and a second heating element disposed in said housing, said first heating element being in thermal communication with said first cooking volume and said second heating element being in thermal communication with said second cooking volume.” Guo discloses that “each circulating fan 42 is located at the air inlet of the air duct and above the heating device 3.” EX1011, ¶[0034]. Moreover, in each embodiment, Guo discloses that each installation cavity has a “corresponding heating device.” EX1011, ¶[0026]. It is my opinion that a POSITA would understand that each heating element is in thermal communication with each respective cooking chamber to independently cook the food.

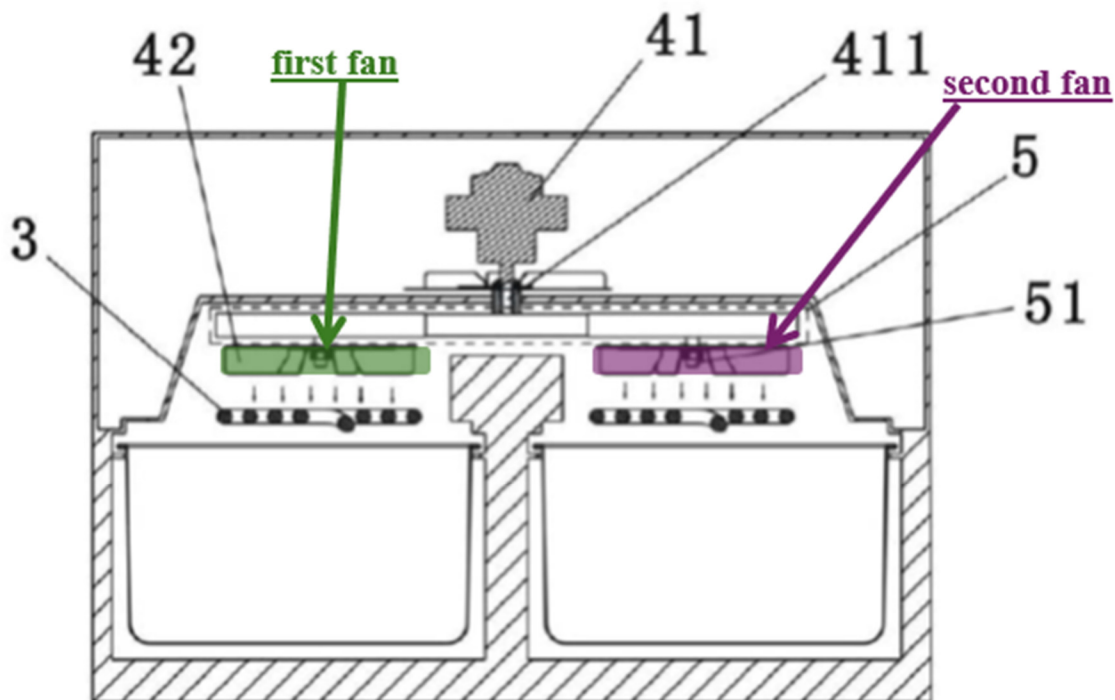


Claim 1[f]

63. It is my opinion that Guo discloses “the first and second heating elements being independently operable to independently cook food contained within the first and second cooking containers.” Guo states that “each heating device 3 operates independently.” EX1011, ¶[0026]; Claim 2. It is my opinion that a POSITA would understand that operating a heating device independently would allow the user to cook different types of foods in each cooking chamber.

Claim 1[g]

64. It is my opinion that Guo discloses “a first fan and a second fan disposed in said housing.” EX1011 ¶[0034], Fig. 4. The fan assembly of Guo would move air over the heating elements and function as a first and second fan.



Claim 1[h]

65. It is my opinion that Guo discloses “said first fan being in fluid communication with said first cooking volume and said second fan being in fluid communication with said second cooking volume.” EX1011, ¶[0034], [0040](“making the circulating fans 42 to operate and blowing air to the heating device 3 for circulation”). It is my opinion that a POSITA would understand each fan would be in fluid communication with the respective cooking volumes in order to cook the food.

66. Accordingly, for at least the above reasons, it is my opinion that Guo renders obvious claim 1 under 35 U.S.C. 103(a).

B. Claim 2

67. Claim 2 depends on claim 1 and therefore my above discussions of claim 1 are repeated and incorporated by reference to the extent it applies to claim 2.

68. It is my opinion that Guo discloses claim 2, which recites “wherein said first cooking container and said second cooking container are individually insertable into said first cooking compartment and said second cooking compartment respectively.” Guo states that each of its fryer assemblies (cooking containers) operate independently and can be inserted and removed, it would be expected that each cooking container may be individually insertable. EX1011, Abstract, ¶[0018], [0027].

C. Claim 3

69. Claim 3 depends on claim 1 and therefore my above discussions of claim 1 are repeated and incorporated by reference to the extent it applies to claim 3.

70. It is my opinion that Guo discloses claim 3, which recites “wherein said first internal compartment and said second internal compartment are fluidly separate.” In FIG. 4, Guo shows a dividing wall between the compartment. EX1011, Fig. 4, ¶[0028]. Moreover, Guo states “because each fryer component works separately, the problem of smell channeling does not occur in the process of making food.” EX1010, [0017]. It is my opinion that a POSITA would recognize that this dividing wall keeps the compartment fluidly separate and that the inhibition of smell channeling requires fluidly separate compartments.

D. Claim 4

71. Claim 4 depends on claim 1 and therefore my above discussions of claim 1 are repeated and incorporated by reference to the extent it applies to claim 4.

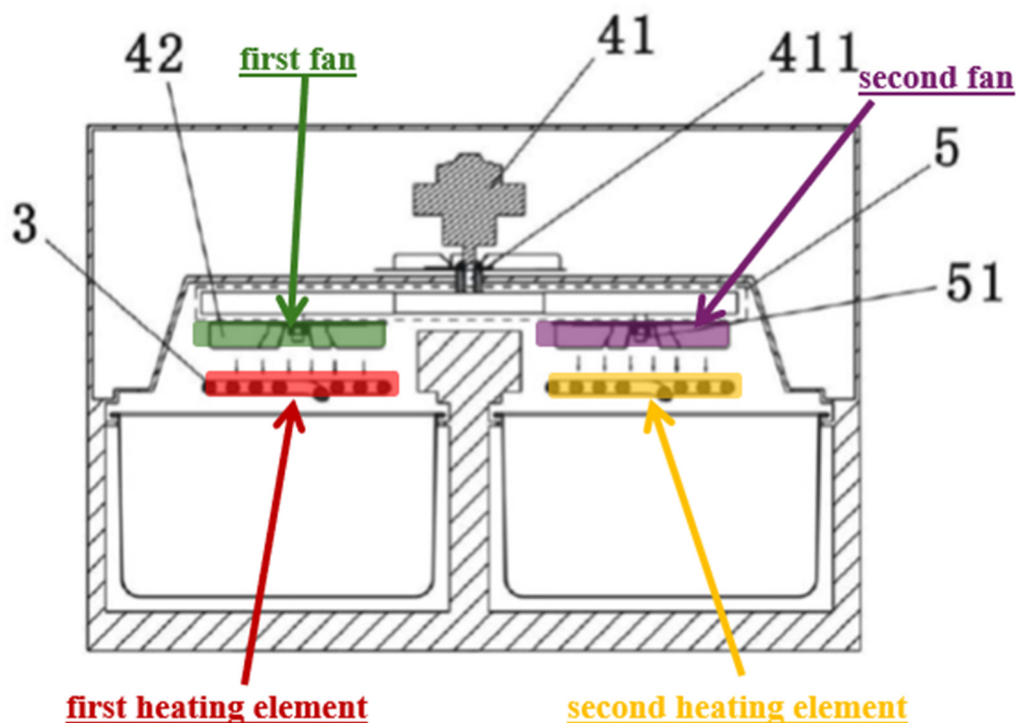
Claim 4[a]

72. It is my opinion that Guo discloses “wherein said first fan is stacked vertically relative to said first heating element within said housing.” Guo shows that the air blower is position above the heating element in each of the figures. EX1011, Figs. 1-5, ¶[0026]. Based on the configuration shown in at least Guo Figs. 1-5, it is

my opinion that a POSITA would see that the vertical stacking of the fan and heating element is taught by Guo.

Claim 4[b]

73. It is my opinion that Guo discloses “said second fan is stacked vertically relative to said second heating element within said housing.” Guo shows that the air blower is position above the heating element in each of the figures. EX1011 ¶31. Based on the configuration shown, it is my opinion that a POSITA would see that the vertical stacking of the fan and heating element is taught by Guo.

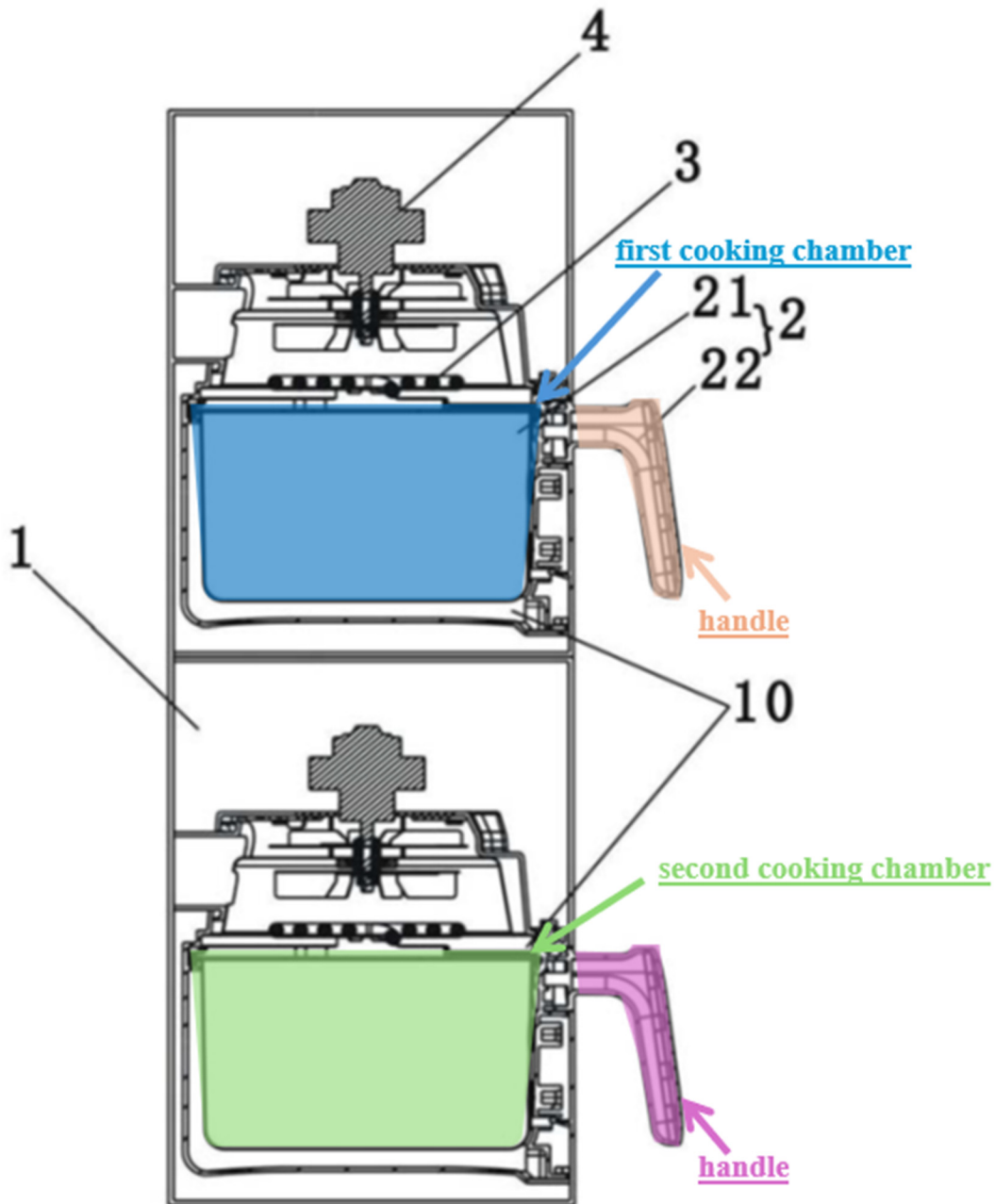


E. Claim 7

74. Claim 7 depends on claim 1 and therefore my above discussions of claim 1 are repeated and incorporated by reference to the extent it applies to claim 7.

75. It is my opinion that Guo discloses claim 7, which recites “wherein said first cooking container includes a first handle and said second cooking container includes a second handle.” As shown in FIG. 1, a handle 22 is connected each cooking chamber. EX 1011, Fig. 1, ¶[0027].

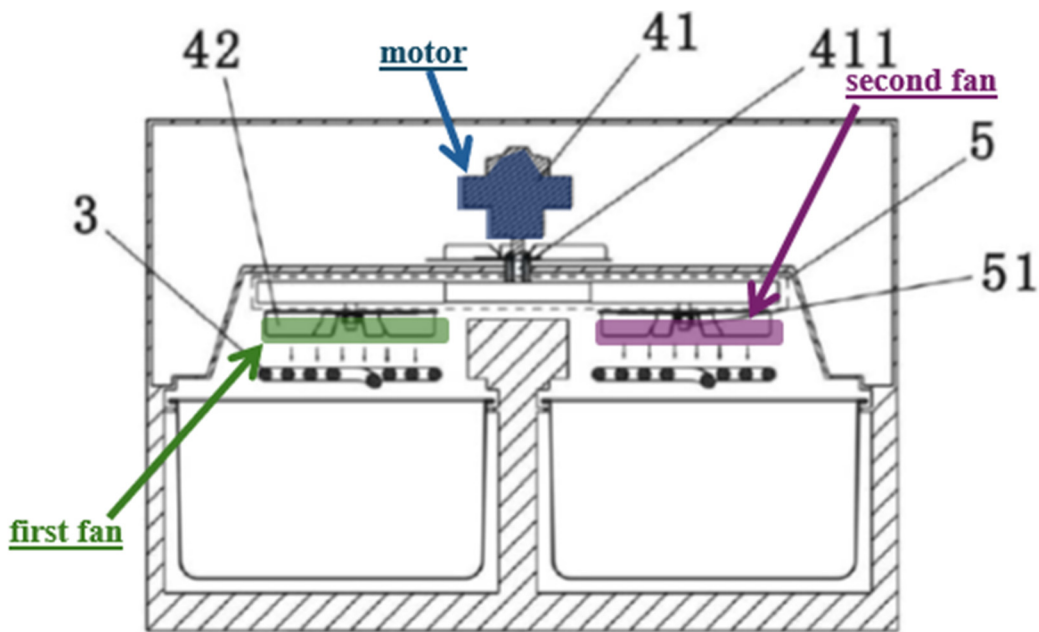
76. My discussion above regarding the application of Guo’s fryer assembly 2 to all figures in limitation 1[c] applies equally and is incorporated by reference here.



F. Claim 8

77. Claim 8 depends on claim 1 and therefore my above discussions of claim 1 are repeated and incorporated by reference to the extent it applies to claim 8.

78. It is my opinion that Guo discloses claim 8, which depends on claim 1, and recites “a motor operably coupled to each of said first fan and said second fan.” EX1011, ¶[0034] (“motor 41 drives the transmission device 5 to operate, the transmission device 5 drives the two output shafts 51 to rotate, thereby making the circulating fans 42 to operate and blowing air to the heating device 3 for circulation.”). Thus, Guo discloses this feature as shown in Guo Fig. 4 annotated below.



G. Claim 9

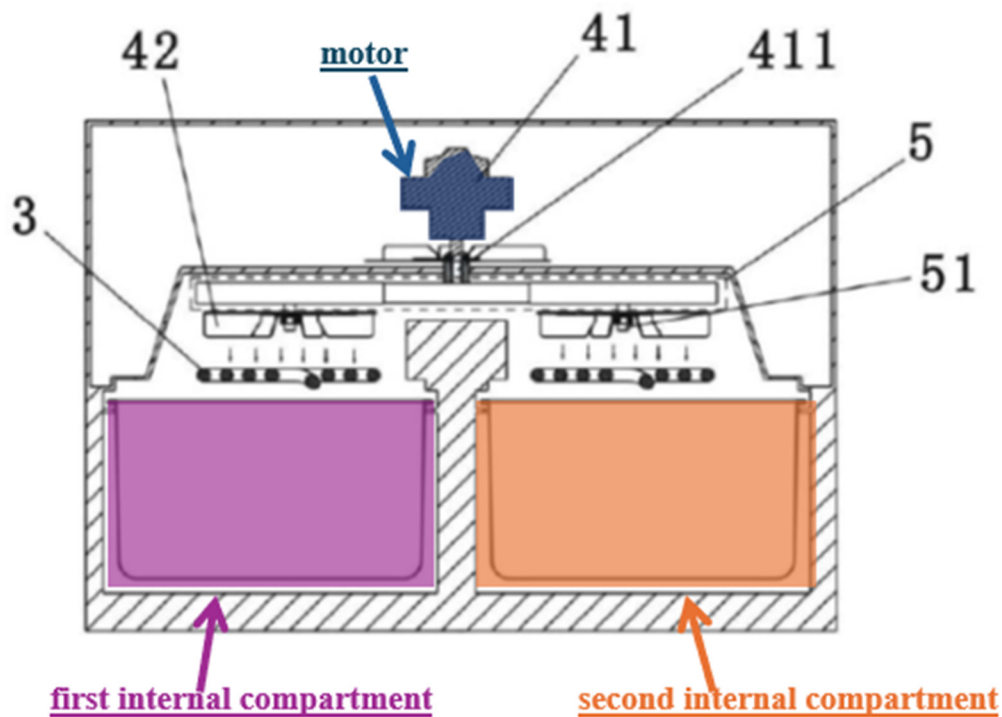
79. Claim 9 depends on claim 8 and therefore my above discussions of claim 8 are repeated and incorporated by reference to the extent it applies to claim 9.

80. It is my opinion that Guo discloses claim 9, which recites “wherein said motor is located externally from said first internal compartment and said second internal compartment.” This is shown in each of the figures and thus Guo discloses that the motor is external from the internal compartments. For example, Figure 1 illustrates the motor above the compartment and the fryer assembly once assembled. It is my opinion that a POSITA would recognize the motor needs to be external from the compartments to allow the containers to be removably receivable.

H. Claim 10

81. Claim 10 depends on claim 8 and therefore my above discussions of claim 8 are repeated and incorporated by reference to the extent it applies to claim 10.

82. It is my opinion that Guo discloses claim 10, which depends on claim 8, and recites “wherein said motor is positioned between said first internal compartment and said second internal compartment.” Guo teaches that the motor is between the said first internal compartment and said second internal compartment in FIG. 4. EX1011, ¶¶[0034]-[0036]. Guo discloses that the motor is between the internal compartments.



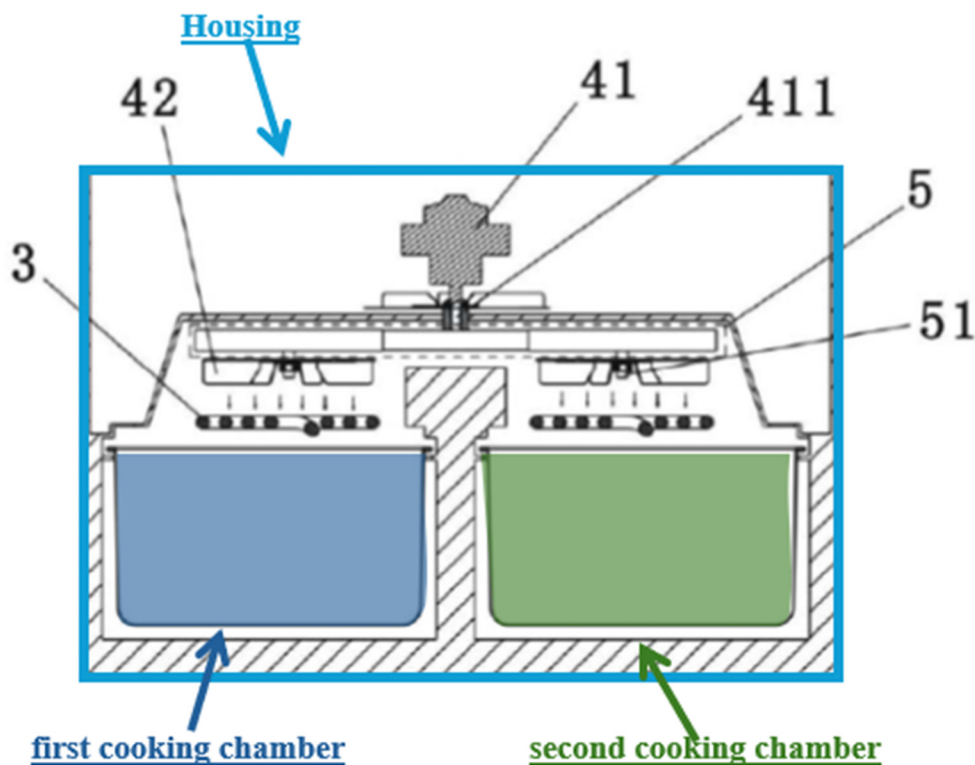
I. Claim 18

Claim 18[pre]

83. My discussion above addressing claim 1[pre] in Ground 1 applies to claim 12[pre] and is repeated and incorporated by reference here.

Claim 18[a]

84. It is my opinion that Guo discloses “a housing having first and second internal independently removable cooking containers disposed therein.” Guo explains that “main body 1 is provided with a plurality of installation chambers 10, a fryer assembly 2 is installed in each corresponding installation chamber 10” and that each fryer assembly 2 is detachable from the main body. EX1011 ¶[0026]-[0027]. Thus, it is my opinion that Guo teaches this feature.

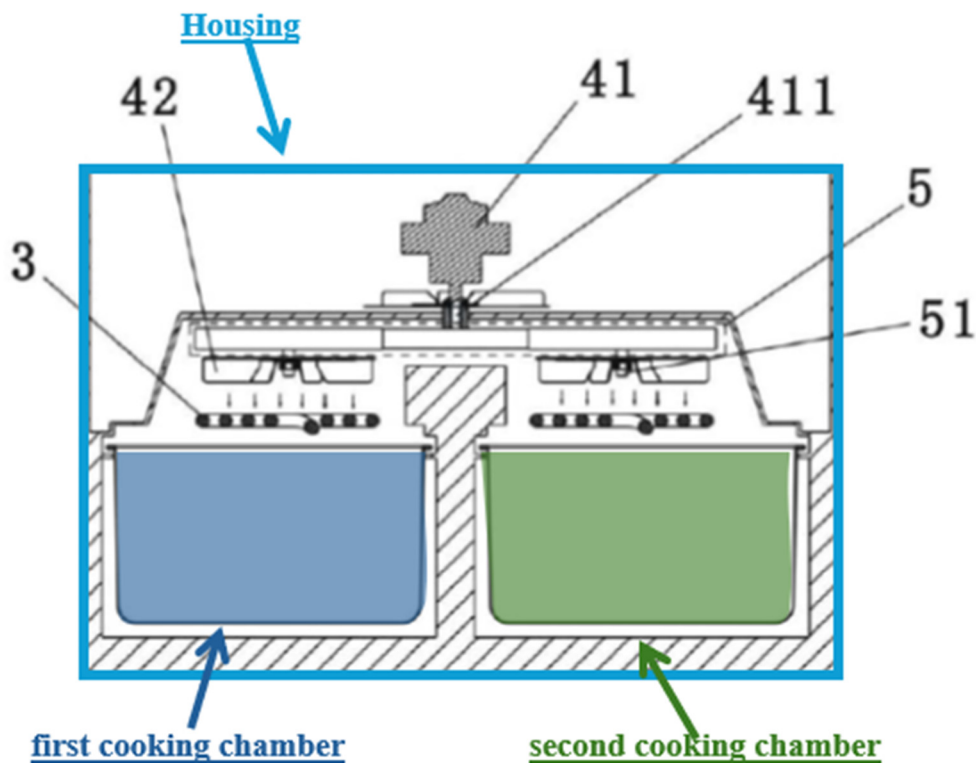


Claim 18[b]

85. This limitation is essentially the same as limitation 1[b]. Although claim 1[b] recites “the first internal compartment and the second internal compartment being separated by a dividing wall extending upward from a base of the housing”, and claim 12[h] recites “the first and second cooking containers being separated from each other by a dividing wall extending upward from a base of the housing”, the discussion in claim 1[b] in Ground 1 applies equally to claim 18[b] and is repeated and incorporated by reference here.

86. Guo discloses “the first and second cooking containers being separated from each other by a dividing wall extending upward from a base of the housing.”

For the same reason as 1[b], Guo shows a divider wall between the two internal compartments in FIG. 4 each which house cooking containers. EX1011, ¶[0038]. A POSITA would recognize this is as a divider wall based on Guo's disclosed functions of operating the heating devices independently, as well as the inhibition of "smell channeling" which does not occur in Guo. EX1010, [0017]. It is my opinion that a POSITA would recognize that in order to have multiple installation cavities, a wall has to separate the cavities to allow fryer assemblies to be placed and allow independent cooking.



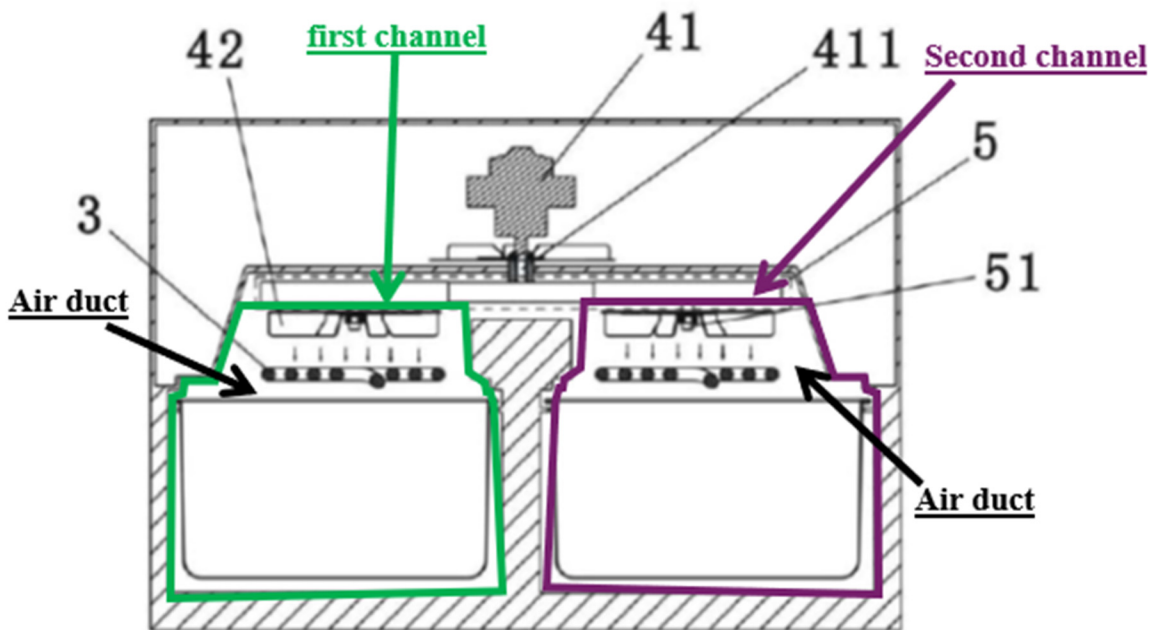
Claim 18[c]

87. My discussion of limitation 1[c] in Ground 1 applies here as well and is repeated and incorporated by reference.

88. Guo discloses “each of the first and second cooking containers defining a cooking volume therein.” Guo discloses that the cooking chambers are for cooking separate foods simultaneously. EX1011, ¶[0027] (“fryer assembly 2 is horizontally inserted into the installation chamber 10 on the main body to achieve detachability of the fryer assembly 2..”). It is my opinion that a POSITA would understand that cooking chambers cook food therein and define a volume having a bottom and two sides.

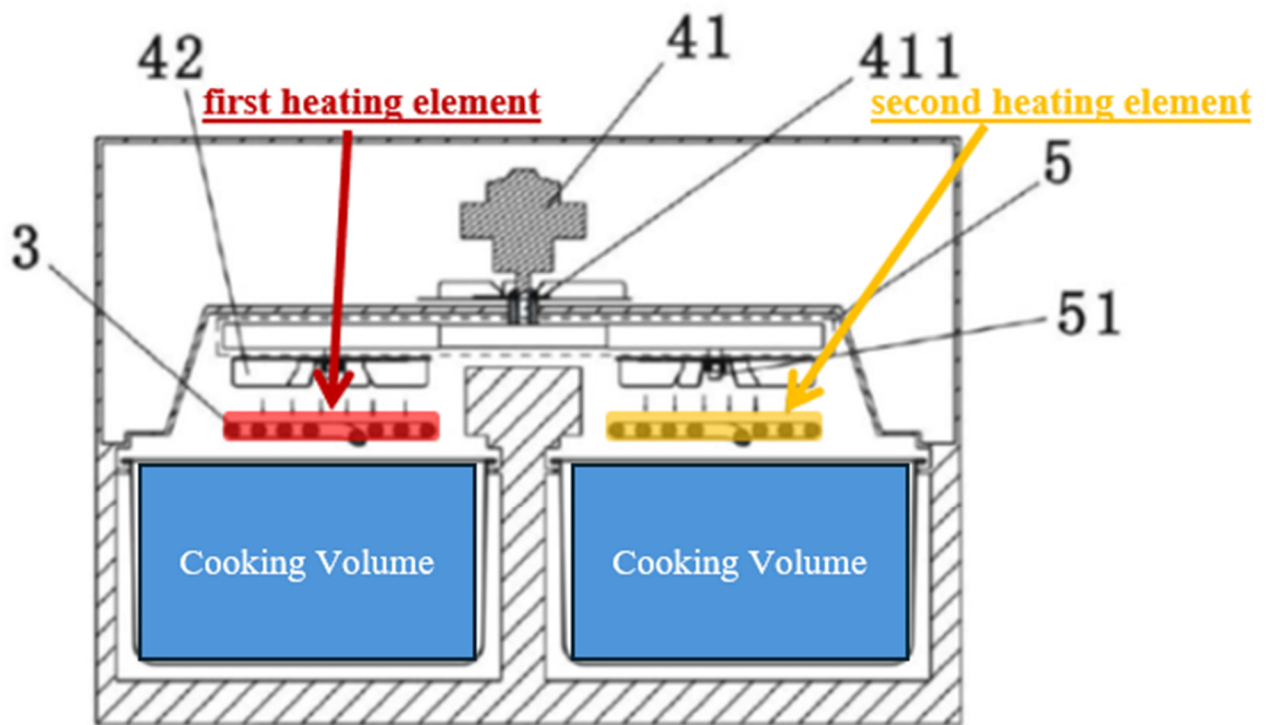
Claim 18[d]

89. It is my opinion that Guo discloses “the first and second cooking containers being configured to engage with first and second respective channels inside the housing to define first and second respective air ducts therein.” Guo teaches that the cooking containers by being separate engage with the internal cavities, which correspond to the channels. EX1011, ¶[0034]-[0036], Fig. 4. This relationship defines the air ducts. Air ducts function to allow the air from the fan to pass over the heater and into the cooking chamber to cook the food. Accordingly, there is an expectation of, and this feature is obvious to a POSITA.



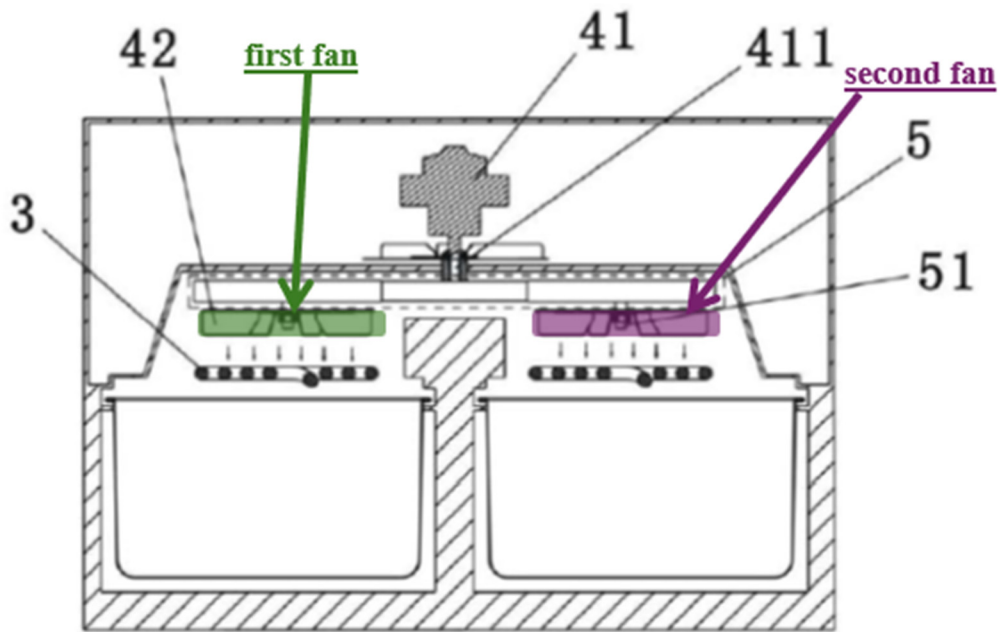
Claim 18[e]

90. It is my opinion that Guo discloses “first and second heating elements disposed in the housing adjacent the cooking volume of the first and second cooking containers, respectively, the first and second heating elements being independently operable.” Guo states that “each fryer assembly and heating device operate independently.” EX1011 ¶[0018], [0028]. As shown in annotated Guo FIG. 4, below, the heating elements 3 are clearly adjacent to the cooking volume. It is my opinion that a POSITA would understand that operating a heating device independently would allow the user to cook different types of foods in each cooking chamber.



Claim 18[ff]

91. It is my opinion that Guo discloses “first and second fans disposed in the housing adjacent the first and second heating elements, respectively.” The fan assembly of Guo would move air over the heating elements and functions as a fan. Guo includes first and second fans as shown below in annotated Fig. 4. The fans are adjacent to the heating elements.



Claim 18[g]

92. It is my opinion that Guo discloses “the first and second fans being independently operable.” Guo states that “each fryer assembly and heating device operate independently.” EX1011 ¶[0018], [0028]. Guo teaches an embodiment with dual motors (e.g., Figs. 1-2) which each independently operate a given fan. EX1011, FIG. 1-2. It is my opinion that a POSITA would understand that operating fans independently would allow the user to cook different types of foods in each cooking chamber.

Claim 18[h]

93. It is my opinion that Guo discloses “the first and second fans being configured to circulate air through the first and second cooking volumes, respectively.” Guo teaches that air blown over the food in the cooking cavities.

EX1011, ¶[0034]. Accordingly, It is my opinion that a POSITA would understand that the air is circulating in the cooking volumes.

94. Accordingly, for at least the above reasons, Guo renders claim 18 obvious.

IX. GROUND 2: GUO IN VIEW OF CONRAD RENDERS CLAIMS 12-16, AND 19-21 OBVIOUS

A. Claim 12

Claim 12[pre]

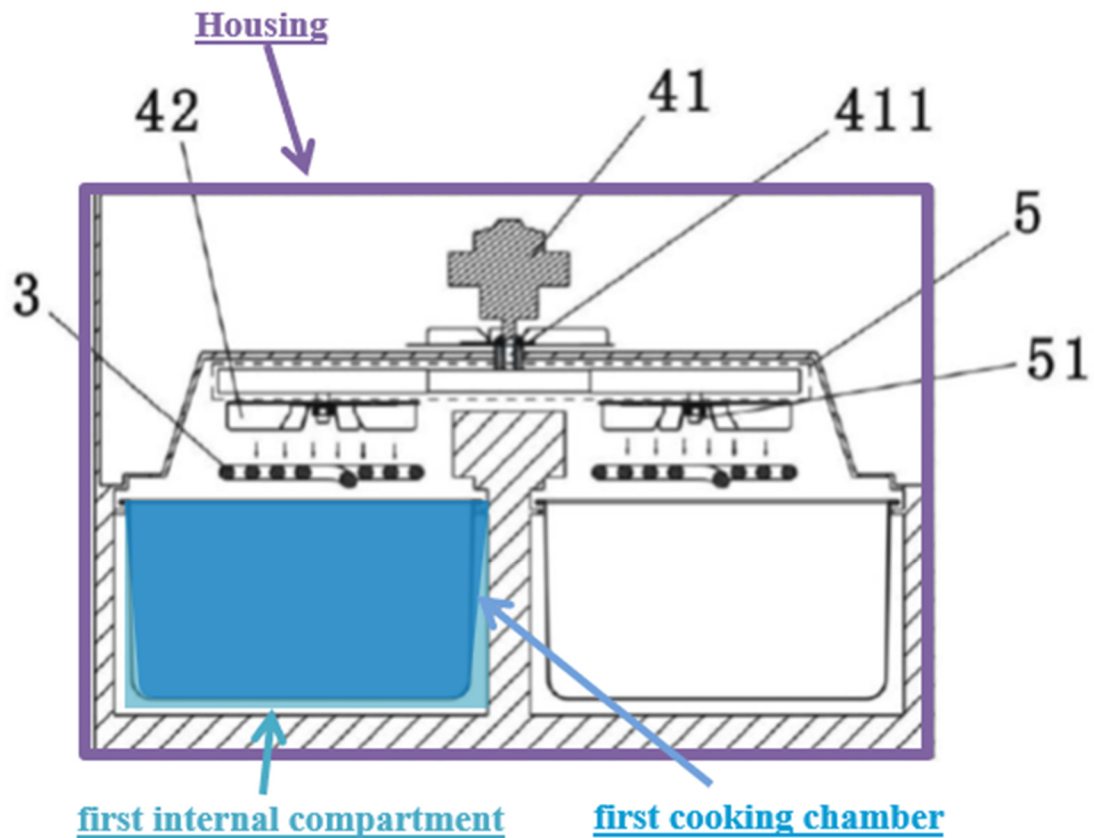
95. My discussion above addressing claim 1[pre] in Ground 1 applies to claim 12[pre] and is repeated and incorporated by reference here.

Claim 12[a]

96. It is my opinion that Guo discloses “a housing.” Guo has a main body shown in each of the figures. EX1011, ¶[0026]. Thus, Guo teaches this feature.

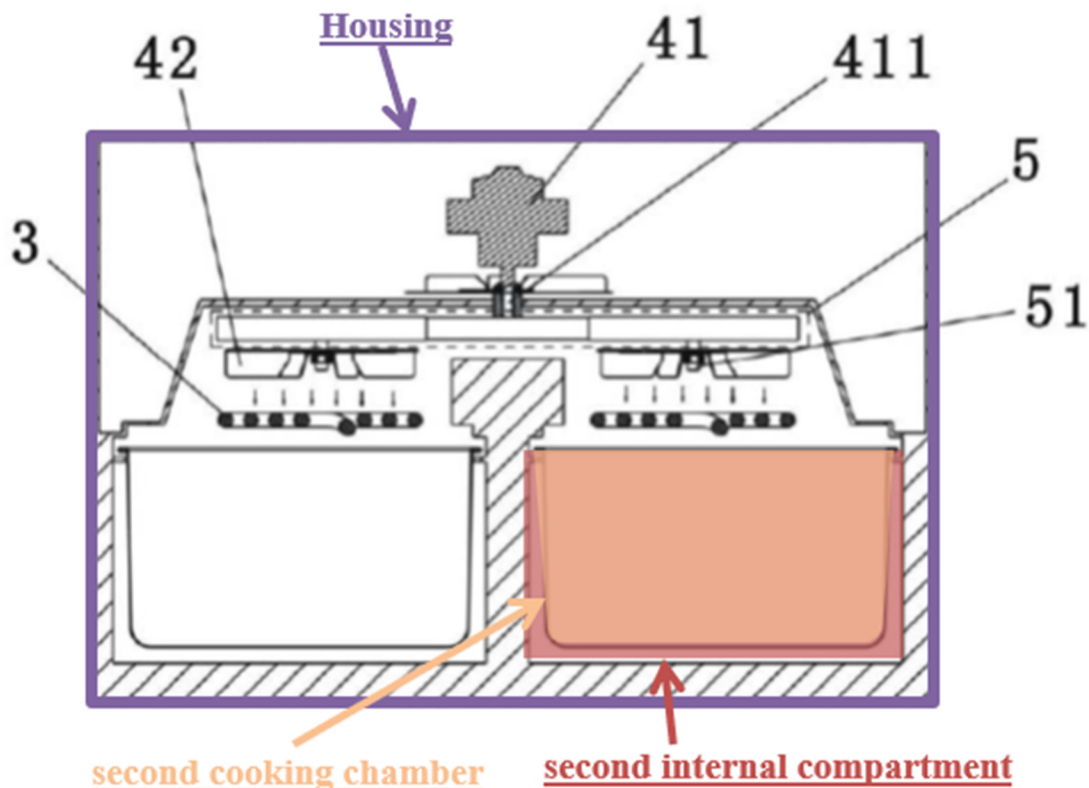
Claim 12[b]

97. It is my opinion that Guo discloses “having a first internal cooking compartment with a first cooking container removably disposed therein.” Guo explains that “main body 1 is provided with a plurality of installation chambers 10” and that fryer assemblies 2 are detachable therein from the main body. EX1011, ¶[0026]-[0027]. Thus, Guo teaches this feature.



Claim 12[c]

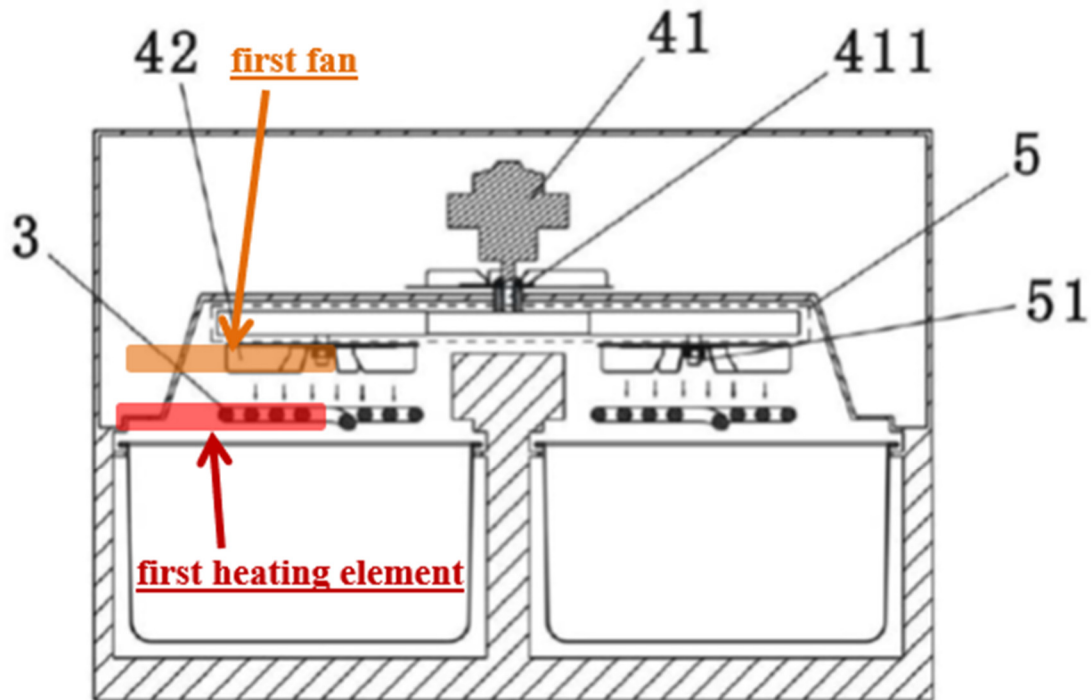
98. It is my opinion that Guo discloses “a second internal compartment with a second cooking container removably disposed therein.” Guo explains that “main body 1 is provided with a plurality of installation chambers 10” and that fryer assemblies 2 are detachable therein from the main body. EX1011, ¶[0026]-[0027]. Thus, Guo teaches this feature.



Claim 12[d]

99. It is my opinion that Guo discloses “the first internal compartment including a first heating assembly comprising a first fan and a first heating element configured to cook food disposed in the first cooking container.” Guo discloses that “there are a plurality of fan assemblies 4, and each heating device 3 is provided with a corresponding fan assembly 4” and “the circulating fans 42 to operate and blowing air to the heating device 3 for circulation.” EX1011, ¶[0027], [0034]. It is my opinion that a POSITA would understand that each heating element is in thermal

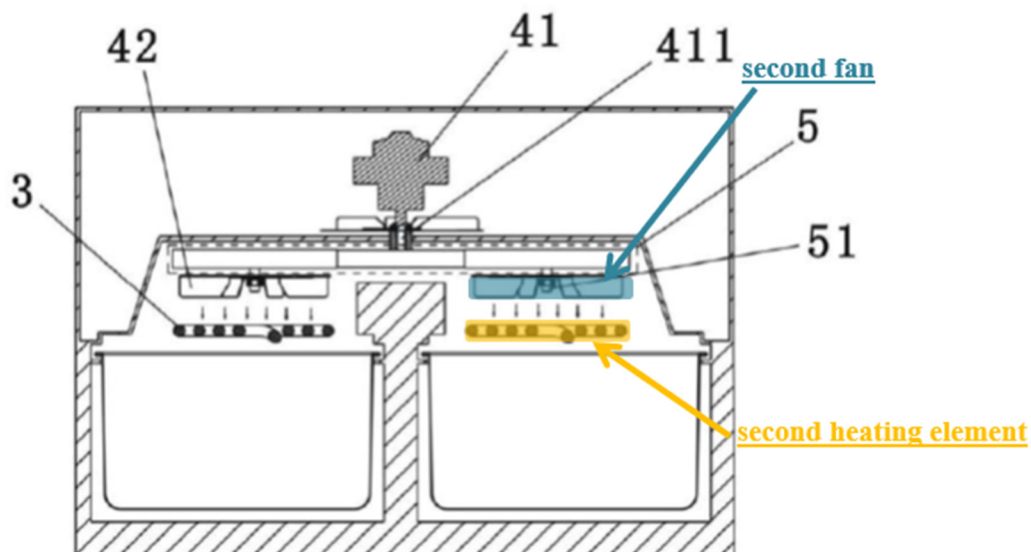
communication with each respective cooking chamber to independently cook the food.



Claim 12[e]

100. It is my opinion that Guo discloses “the second internal cooking compartment including a second heating assembly comprising a second fan and a second heating element configured to cook food disposed in the second cooking container.” Guo discloses that “there are a plurality of fan assemblies 4, and each heating device 3 is provided with a corresponding fan assembly 4” and “the circulating fans 42 to operate and blowing air to the heating device 3 for circulation.” EX1011, ¶[0027], [0034]. It is my opinion that a POSITA would understand that

each heating element is in thermal communication with each respective cooking chamber to independently cook the food.



Claim 12[f]

101. It is my opinion that Guo discloses “the first and second heating assemblies being independently operable to independently cook food contained within the first and second cooking containers.” Guo states that “each fryer assembly and heating device operate independently.” EX1011 ¶[0018], [0028]. It is my opinion that a POSITA would understand that operating a heating device independently would allow the user to cook different types of foods in each cooking chamber.

Claim 12[g]

102. It is my opinion that Guo discloses “the first and second heating assemblies being programmable to simultaneously cook food in separate cooking

modes.” Guo states that “the food processor of the utility model can prepare various foods simultaneously without mutual influence, so it can be commercialized, significantly improving the efficiency of food preparation.” EX1011, ¶[0018]. It is my opinion that a POSITA would understand that to cook food separately the compartments can cook in separate modes.

103. To the extent that Patent Owner incorrectly disputes whether Guo explicitly discloses “the first and second heating assemblies being programmable to simultaneously cook food in separate cooking modes,” Conrad discloses this feature. Like Guo, Conrad discloses an air fryer with dual cooking zones where “each ‘cooking zone’ is a distinct volumetric region within cooking chamber 104 that can be selectively subjected to different cooking conditions from the other cooking zone(s).” EX1014, ¶[00145]. For example, Conrad teaches that within “each cooking zone 180, these cooking devices may be selectively activated and deactivated according to a cooking program (e.g. set temperature, humidity, convection speed) independently of the cooking devices in the other cooking zone 180.” EX1014, ¶[00149]. The cooking program may be selected by a user. EX1014, ¶[00162]. Accordingly, Conrad discloses “the first and second heating assemblies being programmable to simultaneously cook food in separate cooking modes.”

104. It is my opinion that a POSITA would have been motivated to use the cooking programs disclosed in Conrad with the air fryer in Guo. Indeed, a POSITA

would recognize the benefits of having each of the heating assemblies be programmed to cook the food in each container in different modes. The air fryer of Guo is designed for this very purpose. EX1011 ¶[0028]. A POSITA would have a reasonable expectation of success in doing so because using two cooking operations at the same time in a dual air fryer arrangement of Guo would necessitate a programmable control of Conrad.

105. For at least these reasons, it is my opinion that a POSITA would have understood that the combination of Guo and Conrad would render obvious “a control system configured to operate the first and second cooking assemblies.”

Claim 12[h]

106. My discussion above addressing claim 1[b] in Ground 1 applies to claim 12[pre] and is repeated and incorporated by reference here.

Claim 12[i]

107. It is my opinion that Guo discloses “wherein the first and second cooking containers are horizontally coplanar when disposed in the first and second internal cooking compartments respectively.” Guo states that “the main body can also have a horizontal structure (as shown in FIG. 2), and a plurality of installation chambers on the main body are arranged horizontally in a line.” EX1011 ¶[0029]. Thus, Guo teaches this feature.

108. Accordingly, Guo in view of Conrad renders obvious claim 12 under 35 U.S.C. § 103(a).

B. Claim 13

109. My discussion above addressing claim 7 in Ground 1 is repeated and incorporated by reference here. The inclusion of Conrad does not impact this discussion.

C. Claim 14

110. It is my opinion that Guo discloses claim 14, which depends on claim 12, and recites “wherein the first internal cooking compartment and the second internal cooking compartment are independently operable to cook food using at least one of conduction, convection, radiation, and induction.” Guo discloses cooking by passing heated air over food. EX1011, ¶[0032]-[0034], [0040]. A POSITA understands that this type of cooking is known as convection.

D. Claim 15

111. Claim 15 depends on claim 12 and therefore my above discussions of claim 12 are repeated and incorporated by reference to the extent it applies to claim 15.

Claim 15[a]

112. It is my opinion that Guo discloses “a control system configured to operate the first and second cooking assemblies.” Guo states that the air fryer allows

user to simultaneously cook food without mutual interference. EX1011, ¶[0018]. It is my opinion that a POSITA would recognize that cooking food simultaneously would be achieved by a control system.

113. To the extent that Patent Owner incorrectly disputes whether Guo explicitly discloses “the first and second heating assemblies being programmable to simultaneously cook food in separate cooking modes,” it is my opinion that Conrad discloses this feature. Like Guo, Conrad discloses an air fryer with dual cooking zones where “each ‘cooking zone’ is a distinct volumetric region within cooking chamber 104 that can be selectively subjected to different cooking conditions from the other cooking zone(s).” EX1014, ¶[00145]. For example, Conrad teaches that within “each cooking zone 180, these cooking devices may be selectively activated and deactivated according to a cooking program (e.g. set temperature, humidity, convection speed) independently of the cooking devices in the other cooking zone 180.” EX1014, ¶[00149]. The cooking program may be selected by a user. EX1014, ¶[00162]. Accordingly, Conrad discloses “the first and second heating assemblies being programmable to simultaneously cook food in separate cooking modes.”

114. The motivation to combine Conrad with Guo discussed above regarding limitation 12[g] is repeated and incorporated by reference here.

115. For at least these reasons, it is my opinion that a POSITA would have understood that the combination of Guo and Conrad would render obvious “a control system configured to operate the first and second cooking assemblies.”

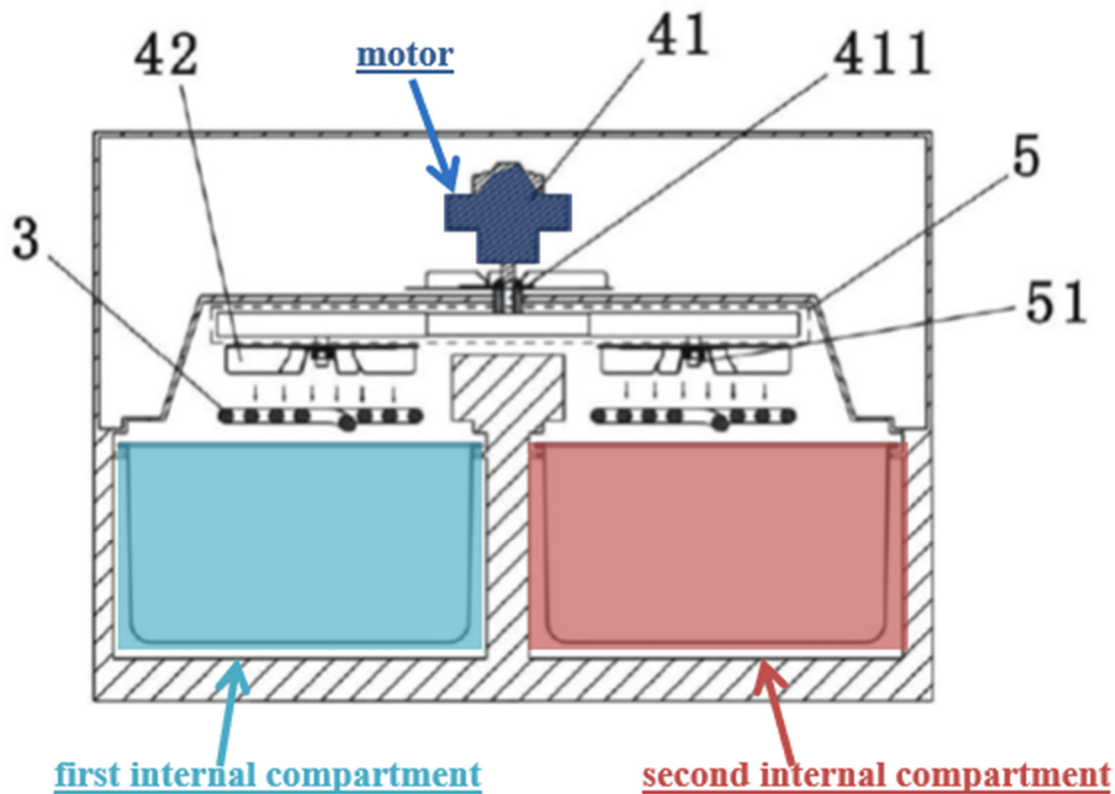
Claim 15[b]

116. To the extent that Patent Owner incorrectly disputes whether Guo explicitly discloses “the control system being configured to receive inputs corresponding to at least one of a temperature, a cook time, and a food type” it is my opinion that Conrad discloses this feature. Conrad discloses that the controller 216 produces “different cooking conditions (temperature, convective air speed, and/or humidity) in the two cooking zones 180.” EX1014, ¶[00164]. In particular, Conrad teaches receiving inputs through the controller 216 to execute a cooking program, which may be “stored in memory within controller 216, and selected by the user.” EX1014, ¶[00223]. It is my opinion that a POSITA would recognize the benefits of having the controller receive inputs that correspond to a temperature since the temperature is necessary for cooking food.

117. For at least these reasons, it is my opinion that a POSITA would have understood that the combination of Guo and Conrad would render obvious “a control system configured to operate the first and second cooking assemblies, the control system being configured to receive inputs corresponding to at least one of a temperature, a cook time, and a food type.”

E. Claim 16

118. It is my opinion that Guo discloses claim 16, which depends on claim 12, and recites “a motor operably coupled to each of the first and second fans the motor configured to operate the first and second fans at the same speed or at different speeds.” Guo teaches that the motor is between the said first internal compartment and said second internal compartment in FIG. 4. EX1011, ¶[0034]. It is my opinion that Guo discloses that the motor is between the internal compartments.



119. To the extent Guo does not directly disclose a motor operably coupled to multiple fans that move at the same or different speeds, a POSITA would have been motivated to combine Guo with Conrad for this feature. Conrad teaches that

there can be different cooking conditions such as air speed in two cooking zones. EX1015, [00164], [00165].

120. It is my opinion that a POSITA would have been motivated to modify Guo's dual-chamber air fryer to employ a single motor driving multiple circulation fans, as taught by Conrad. Guo discloses dual cooking chambers, each with its own fan, but does not explicitly disclose an embodiment where the fans operate at different speeds. Conrad, however, teaches arrangements where a single motor shaft or coupled transmission distributes power to multiple fans, enabling coordinated operation at the same or different speeds. EX1015, [00164], [00165]. Applying Conrad's approach to Guo would have reduced cost and size by eliminating redundant motors and control electronics, simplified assembly, and increased reliability.

121. It is my opinion that a POSITA also would have reasonably expected success in implementing this modification. Coordinating multiple fans from a single motor was a known engineering solution in appliances and HVAC equipment, and the predictable result is efficient, synchronized airflow with reduced energy consumption. Incorporating Conrad's multi-speed system into Guo would have predictably improved cooking efficiency, minimized heat loss between chambers, and provided flexibility to vary airflow distribution—whether operating both fans at the same speed for uniform convection or adjusting relative speeds to accommodate

different food loads. These benefits flow directly from the known functions of multi-fan, single-motor systems and would have been obvious to pursue, yielding foreseeable and advantageous results.

F. Claim 19

122. Claim 19 depends on claim 18 and therefore my above discussions of claim 18 are repeated and incorporated by reference to the extent it applies to claim 19.

123. My discussion above addressing claim 15[a] in Ground 2 is repeated and incorporated by reference here.

G. Claim 20

124. Claim 20 depends on claim 19 and therefore my above discussions of claim 19 are repeated and incorporated by reference to the extent it applies to claim 20.

Claim 20[a]

125. To the extent that Patent Owner incorrectly disputes whether Guo explicitly discloses “wherein the control system is configured to independently operate the first and second heating elements” of claim 20, it is my opinion that Conrad discloses this feature. EX1014, ¶[0007] (“the controller is operable adjust the distribution of energy to the IR cooking element”). It is my opinion that a

POSITA would be motivated to combine Guo with Conrad for the reasons explained in Claims 15 and 19, which are incorporated by reference and repeated here.

Claim 20[b]

126. To the extent that Patent Owner incorrectly disputes whether Guo explicitly discloses “wherein the control system is configured to independently operate... the first and second fans” of claim 20, it is my opinion that Conrad discloses this feature. EX1014, ¶[0006] (“a controller operable to adjust the energy provided to a fan assembly wherein the fan assembly is operable at a first power level for a first portion of a cooking cycle and the fan assembly is operable at a second power level for a second subsequent portion of the cooking cycle wherein the second power level is higher than the first power level,”). It is my opinion that a POSITA would be motivated to combine Guo with Conrad for the reasons explained in Claims 15 and 19, which are incorporated by reference and repeated here.

H. Claim 21

127. Claim 21 depends on claim 19 and therefore my above discussions of claim 19 are repeated and incorporated by reference to the extent it applies to claim 21.

128. To the extent that Patent Owner incorrectly disputes whether Guo explicitly discloses “the control system being configured to receive inputs corresponding to at least one of a temperature, a cook time, and a food type” of claim

21, it is my opinion that Conrad discloses this feature. Conrad discloses that the controller 216 produces “different cooking conditions (temperature, convective air speed, and/or humidity) in the two cooking zones 180.” EX1014, ¶[00164]. In particular, Conrad teaches receiving inputs through the controller 216 to execute a cooking program, which may be “stored in memory within controller 216, and selected by the user.” EX1014, ¶[00223]. It is my opinion that a POSITA would recognize the benefits of having the controller receive inputs that correspond to a temperature since the temperature is necessary for cooking food. It is my opinion that a POSITA would be motivated to combine Guo with Conrad for the reasons explained in Claims 15 and 19, which are incorporated by reference and repeated here.

129. For at least these reasons, it is my opinion that a POSITA would have understood that the combination of Guo and Conrad would render obvious “a control system configured to operate the first and second cooking assemblies, the control system being configured to receive inputs corresponding to at least one of a temperature, a cook time, and a food type.”

X. **GROUND 3: PHILIPS RENDERS OBVIOUS CLAIMS 1-4, 8-10, AND 18-22**

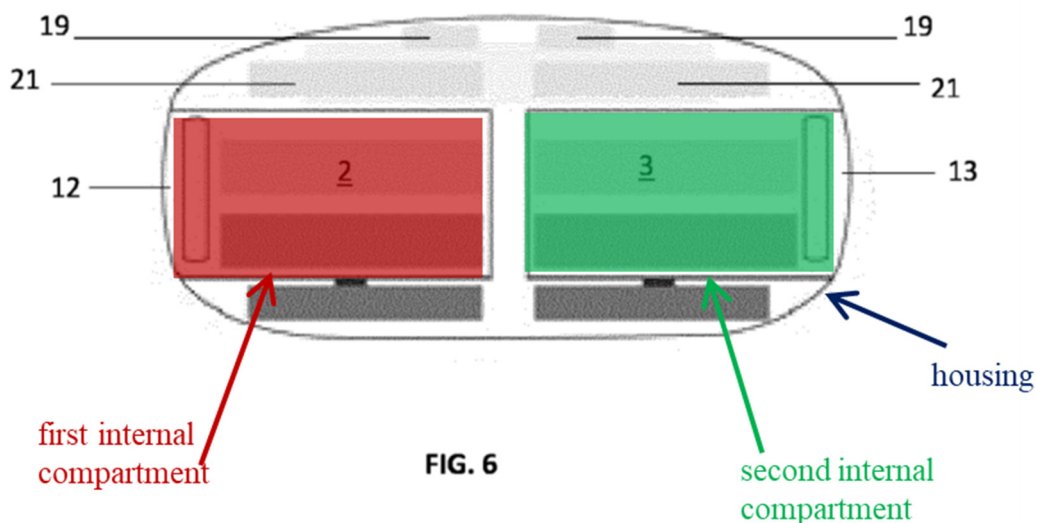
A. **Claim 1**

Claim 1[pre]:

130. To the extent the preamble is limiting, it is my opinion that Philips discloses a cooking system, disclosing a “table top cooking device” comprising two food preparation chambers that can operate simultaneously to prepare food. EX1012, 4:19-25, Fig. 6; 10:9-22.

Claim 1[a]:

131. It is my opinion that Philips discloses a housing having a first internal compartment and a second internal compartment:



EX1012, Fig. 6. Philips discloses “table top kitchen device with two food preparation chambers 2,3, both chambers being arranged for air frying food that in use may be disposed therein. EX1012, ¶11, 9-13. As shown in Figure 6, the food

chambers are within a housing. EX1012, 11:23-25. It is my opinion that a POSITA would recognize that the preparation chambers are held within a housing. As stated in the '377 Patent, the housing 22 is the outer portion of the fryer.

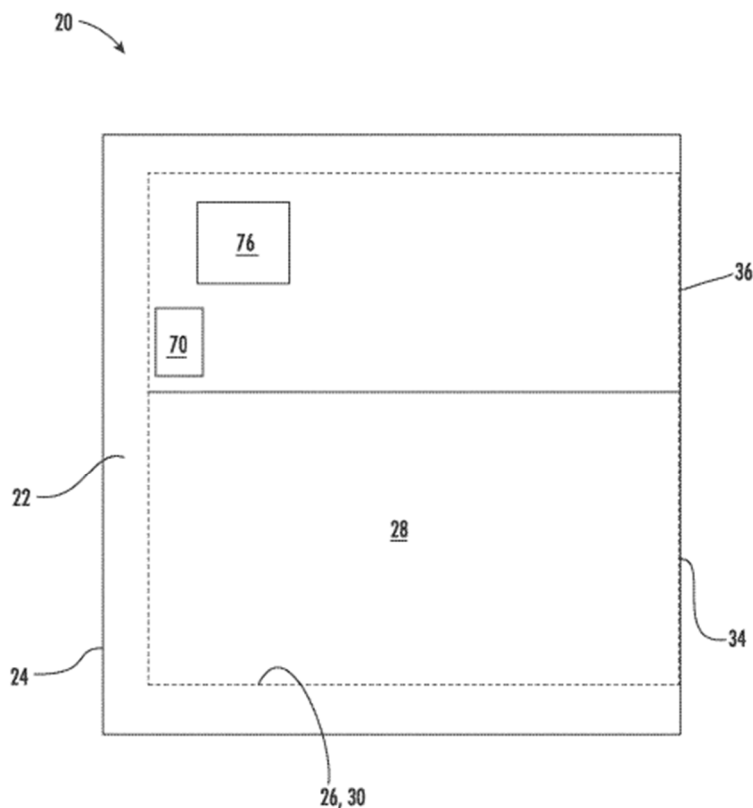


FIG. 3

EX1001, 7:65-8:7; FIG. 3.

132. Philips is clear that the housing has a first internal compartment 2 and a second internal compartment 3 as shown in FIG. 6. EX1012, FIG. 6 (annotated above); 11:9-25. Philips further states that the food preparation chambers 2,3 “may be accommodated in a container 12,13 which may for instance be removably

mounted in a *support structure* 8 ... like a drawer.” EX1012, 11:23-25. Philips states:

the support structure 8 may be formed with housings or cavities (not shown), each housing or cavity being equipped with a closable door, lid or the like, to allow food or a food container to be placed therein. Alternative configurations are possible. Relevant is that the configurations are capable of physically separating the food preparation chambers from each other in such way that an autonomous cooking environment can be established in each chamber, with independently settable and controllable cooking conditions, i.e. cooking method and/or cooking parameter.

EX1012, 8: 22-28. Although not drawn in FIG. 6, this support structure is a housing that holds the cooking containers in other embodiments:

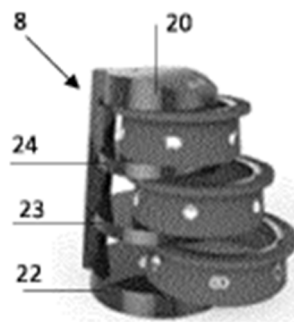
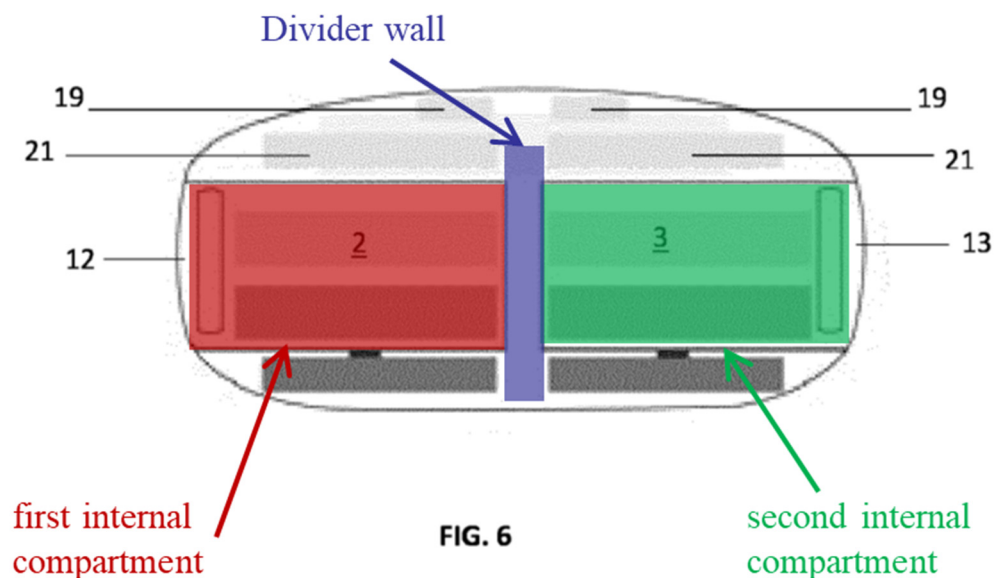


FIG. 7B

133. It is my opinion that a POSITA would recognize this support structure, including when incorporated into or when being represented by the outer edge of FIG. 6, meets the limitations of the claimed housing. Thus, it is my opinion that Philips discloses this limitation.

Claim 1[b]:

134. It is my opinion that Philips discloses and/or renders obvious “the first internal compartment and the second internal compartment being separated by a dividing wall extending upward from a base of the housing.” Philips states that the “chambers are arranged side by side and are physically separated such that the cooking parameters in the food preparation chambers 2, 3 can be set independently.” EX1012, 9:11-13. Philips further teaches a “non-permeable” partition may separate the chambers. EX1012, 8:16-19. It is my opinion that a POSITA would understand that the physical separation taught by Philips would include a wall.



135. To the extent a divider wall is not directly disclosed, it is my opinion that a POSITA would have been motivated to reconfigure Philips’ dual air-fryer to include a divider wall separating the first and second internal cooking compartments.

Philips already discloses multiple chambers positioned side by side, each configured for receiving a respective food container with physical separation. Philips states:

the support structure 8 may be formed with housings or cavities (not shown), each housing or cavity being equipped with a closable door, lid or the like, to allow food or a food container to be placed therein. Alternative configurations are possible. Relevant is that the configurations are capable of physically separating the food preparation chambers from each other in such way that an autonomous cooking environment can be established in each chamber, with independently settable and controllable cooking conditions, i.e. cooking method and/or cooking parameter.

EX1012, 8:22-28. As understood to the POSITA, a divider wall is an example of the “configurations [that] are capable of physically separating the food preparation chambers from each other”.

136. It is my opinion that a POSITA would have recognized that inserting a divider wall between the adjacent cooking compartments would improve cooking efficiency by reducing undesired thermal transfer between chambers, thereby maintaining more consistent and independent temperatures. A divider wall would also reduce heat loss during operation, as each compartment would retain thermal energy more effectively and avoid “bleed-through” between chambers. This structural modification would further improve the overall cooking performance by allowing foods with different temperature or cooking-time requirements to be cooked simultaneously without interference.

137. In addition, the modification is a predictable use of known elements according to their established functions. Kitchen appliances, including ovens and grills, commonly employ physical barriers or partitions to isolate cooking zones, thereby enhancing energy efficiency and food quality. It is my opinion that a POSITA, aware of these common practices, would have reasonably expected success in implementing a divider wall in Philips because Philips already discloses two physically separated cooking containers within a common housing. Given this existing separation, reconfiguring the housing to incorporate a permanent divider wall would have been straightforward and yielded predictable results.

Claim 1[c] and 1[d]:

138. It is my opinion that Philips discloses “a first cooking container defining a first cooking volume, said first cooking container being removably receivable within said first internal compartment to completely close off an opening to said first internal compartment when fully inserted therein.” Philips states that “each food preparation chamber may be accommodated in a container 12, 13 which may for instance be removably mounted in a support structure 8 *for instance like a drawer.*” EX1012, 11:19-23; FIG. 6 (annotated); FIG. 7.

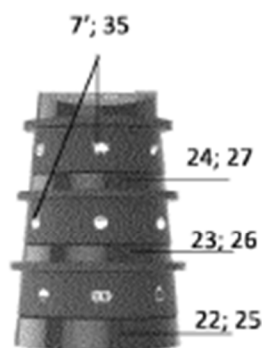


FIG. 7A

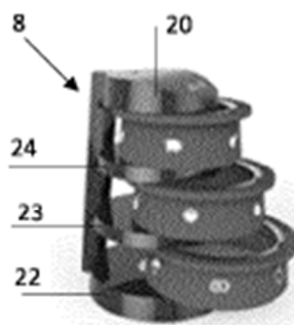


FIG. 7B



FIG. 7C

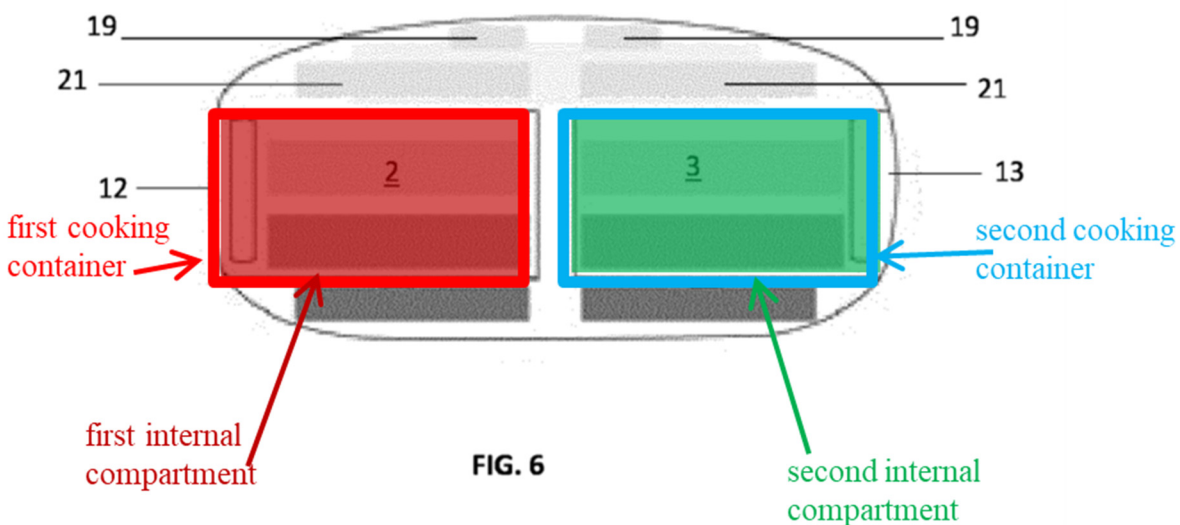


FIG. 6

139. It is my opinion that a POSITA would recognize that the first and second container of Philips when closing off like a “drawer” meets the limitation of closing off an opening of the first compartment and second compartment when the respective containers are inserted. As disclosed in the other embodiments of Philips which are also described as “drawers” it is clear that the containers when inserted close off openings shown above in platforms 22, 23. EX1012, 8:16-20 (the

containers 12,13,14 can be mounted in a support structure 8 like drawers. The support structure 8 may be provided with platforms 22, 23 and 24 (see FIGS 7A-C)”.

140. Philips teaches circulating air through its containers 12, 13, 14, and back through base, which further evidences that its containers are “closed off” thereby preventing leaking air.

Claim 1[e]:

141. It is my opinion that Philips discloses “a first heating element and a second heating element disposed in said housing, said first heating element being in thermal communication with said first cooking volume and said second heating element being in thermal communication with said second cooking volume.” Heating elements 21 and 23 are located above respective cooking volumes 2 and 3. EX1012, 11:14-17 Figure 6. As shown below, Philips discloses “the chambers 2,3 may each include their own heating element 21.” EX1012, 11:15-16.



FIG. 6

142. It is my opinion that Philips discloses that “each food preparation chamber 2,3” may include suitable air guide elements to guide the air circulation according to a predetermined pattern, wherein preferably the air flow is evenly distributed through the food so that *the heat* from the air flow is evenly transferred.” EX1012, 11:20-22. As stated in previous limitations, the heating elements are located above each chamber “for forcefully circulating hot air through the food.” EX1012, 11:14-17. It is my opinion that a POSITA would understand the heating elements above each cooking volume (chambers 2,3 of Philips) would be in thermal communication to be able to circulate *hot air* within the container that is placed within the chamber.

Claim 1[f]:

143. It is my opinion that Philips discloses “the first and second heating elements being independently operable to independently cook food contained within

the first and second cooking containers.” Philips states that dual arrangement of the air fryers allows two cooking operated at the same time (two food chambers can be set independently. EX1012, 11:12-15, Fig. 6, Claim 1. Each food chamber has “its own heating element 21.”



FIG. 6

144. Philips states "In some embodiments, at least one of the following cooking parameters can be set and controlled independently per food preparation chamber: the temperature, the air flow rate, the cooking time, the humidity, the pressure." EX1012, 6:9-11. It is my opinion that a POSITA would understand that Philips Fig. 6 embodiment allows to set and control “temperature” differently, and the device would independently operate the heating element according to the set temperature. EX1012, Claim 7.

Claim 1[g]:

145. It is my opinion that Philips discloses “a first fan and a second fan disposed in said housing.” Philips describes that “the fan 19 and heating element 21 may for instance be situated above or in an upper part of each chamber 2,3.” EX1012 11:14-15, Fig. 6.

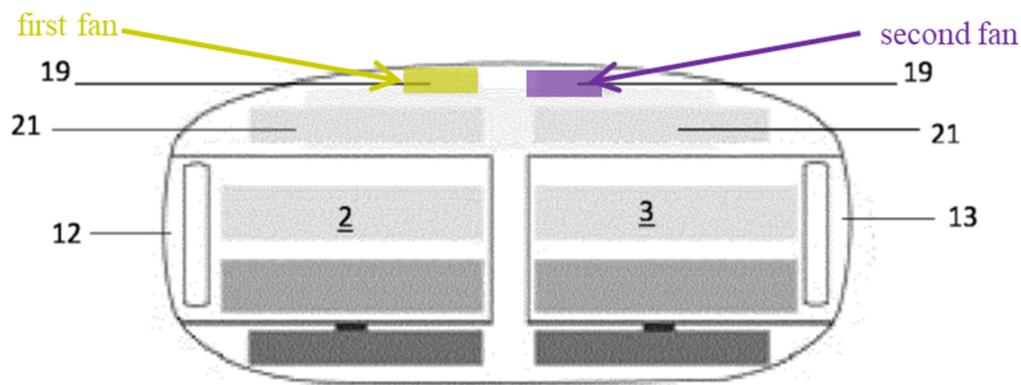


FIG. 6

Claim 1[h]:

146. It is my opinion that Philips discloses “said first fan being in fluid communication with said first cooking volume and said second fan being in fluid communication with said second cooking volume.” Philips discloses that each fan is attached so that “each food preparation chamber 2,3 may include suitable air guide elements to guide the air circulation according to a predetermined pattern.” EX1012, 11:19-20. It is my opinion that a POSITA would understand that the fan 19 is in fluid

communication with first cooking volume (e.g. food preparation chamber 2) which allows air flow from the fan to be “evenly distributed.”

147. Accordingly, for at least the above reasons, it is my opinion that Philips renders claim 1 obvious.

B. Claim 2

148. Claim 2 depends on claim 1 and therefore my above discussions of claim 1 are repeated and incorporated by reference to the extent it applies to claim 2.

149. It is my opinion that Philips renders obvious claim 2, which recites “wherein said first cooking container and said second cooking container are individually insertable into said first cooking compartment and said second cooking compartment respectively.” Philips teaches that each food preparation chamber 2, 3 may be accommodated in a container 12 and 13 which may “be removably mounted into a support structure 8 of the device, for instance like a drawer.” EX1012, 11:23-25. It is my opinion that a POSITA would understand that the food preparation containers of Philips, which are physically separated, are individually insertable.

C. Claim 3

150. Claim 3 depends on claim 1 and therefore my above discussions of claim 1 are repeated and incorporated by reference to the extent it applies to claim 3.

151. It is my opinion that Philips discloses claim 3, which recites “wherein said first internal compartment and said second internal compartment are fluidly

separate.” Philips states that each food preparation chamber are “arranged side by side and are “physically separated” such that food can be set (cooked) independently. EX1012, 11:11-12. Further, Philips states that each chamber can circulate air via air guide elements. EX1012, 11:19-22. It is my opinion that a POSITA would recognize the physical separation, complemented with the respective air guide elements would keep the first and second food preparation chambers of Philips fluidly separate.

D. Claim 4

152. Claim 4 depends on claim 1 and therefore my above discussions of claim 1 are repeated and incorporated by reference to the extent it applies to claim 4.

Claim 4[a]

153. It is my opinion that Philips discloses “wherein said first fan is stacked vertically relative to said first heating element within said housing.” Philips states that the “fan 19 and heating element 21 may for instance be situated above... each chamber 2,3.” EX1012, 13-14. Based on FIG. 6, it is my opinion that a POSITA would see that the vertical stacking is taught by Philips.

Claim 4[b]

154. It is my opinion that Philips discloses “said second fan is stacked vertically relative to said second heating element within said housing.” Philips states that the “fan 19 and heating element 21 may for instance be situated above... each

chamber 2,3.” EX1012, 13-14. Based on FIG. 6, it is my opinion that a POSITA would see that the vertical stacking is taught by Philips.

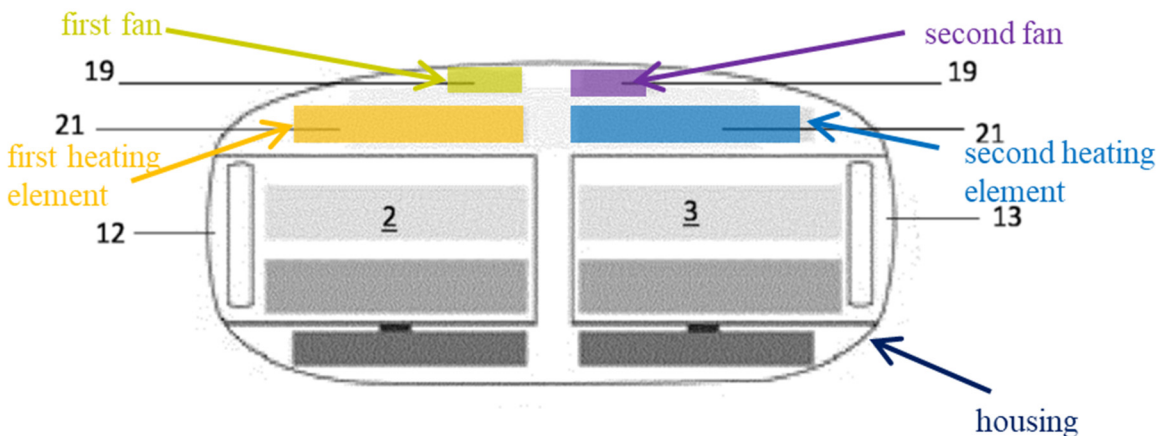


FIG. 6

E. Claim 8

155. Claim 8 depends on claim 1 and therefore my above discussions of claim 1 are repeated and incorporated by reference to the extent it applies to claim 8.

156. It is my opinion that Philips discloses claim 8, which recites “a motor operably coupled to each of said first fan and said second fan.” Philips teaches that the fan provides air flow which is evenly distributed over the food. EX1012, 15-21. It is my opinion that a POSITA understands that these fans are coupled to one or more motors to allow air flow to occur.

157. To the extent the Philips reference does not expressly disclose a motor, a POSITA would have understood that a motor is inherently included. Philips describes a fan for circulating hot air within the cooking chamber. EX1012, 11:15-

21. It is my opinion that a POSITA would know that such a fan cannot operate without a motor to drive it.

158. At the time of the invention, it was well established in the field of cooking appliances that air fryers and convection ovens rely on forced air circulation. Heating elements generate hot air, and a motor-driven fan distributes that air evenly throughout the cooking volume. Thus, to the extent not expressly disclosed, the motor is inherently present in the Philips device, because the described functionality cannot occur without it. Here, the operation of the fan to circulate heated air necessarily requires a motor.

F. Claim 9

159. Claim 9 depends on claim 8 and therefore my above discussions of claim 8 are repeated and incorporated by reference to the extent it applies to claim 9.

160. It is my opinion that Philips renders obvious claim 9, which recites “wherein said motor is located externally from said first internal compartment and said second internal compartment.” Philips teaches that the fans and heating elements are external to the food containers. EX1012, Fig. 6; 11:9-25. It is my opinion that a POSITA would understand that at least one motor is needed to power the fans and is external from the internal compartments.

G. Claim 10

161. Claim 10 depends on claim 8 and therefore my above discussions of claim 8 are repeated and incorporated by reference to the extent it applies to claim 10.

162. It is my opinion that Philips renders obvious claim 10, which recites “wherein said motor is positioned between said first internal compartment and second internal compartment.” Philips states that, in reference to Figure 6, “the chambers 2, 3 may each include their own heating element 21 and share a single fan 19.” EX1012, 15-18. It is my opinion that a POSITA would understand that the motor is needed to power the fan and would be placed adjacent to the single fan embodiment described in Philips.

H. Claim 18

Claim 18[pre]:

163. My discussion above addressing claim 1[pre] in Ground 3 applies to claim 18[pre] and is repeated and incorporated by reference here.

Claim 18[a]:

164. It is my opinion that Philips discloses “housing having first and second internal independently removable cooking containers disposed therein”:

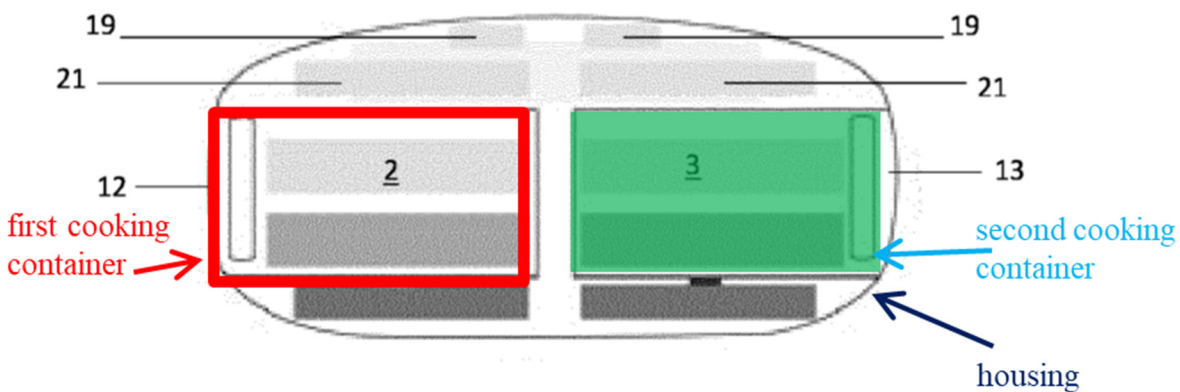


FIG. 6

EX1012, Fig. 6. Philips discloses table top kitchen device with two food containers 12, 13 in a housing being arranged for air frying food. EX1012, 11, 9-13. Philips states that “each food preparation chamber may be accommodated in a container 12, 13 which may for instance be removably mounted in a support structure 8 *for instance like a drawer.*” EX1012, 11:19-23; FIG. 6 (annotated). Philips states:

the support structure 8 may be formed with housings or cavities (not shown), each housing or cavity being equipped with a closable door, lid or the like, to allow food or a food container to be placed therein. Alternative configuration are possible. Relevant is that the configurations are capable of physically separating the food preparation chambers from each other in such way that an autonomous cooking environment can be established in each chamber, with independently settable and controllable cooking conditions, i.e. cooking method and/or cooking parameter.

EX1012, 8: 22-28.

165. As shown in Figure 6, the food containers 12, 13 are within a housing. It is my opinion that a POSITA would recognize that the preparation chambers are held within a housing. As stated in the '377 Patent, the housing 22 is the outer portion of the fryer.

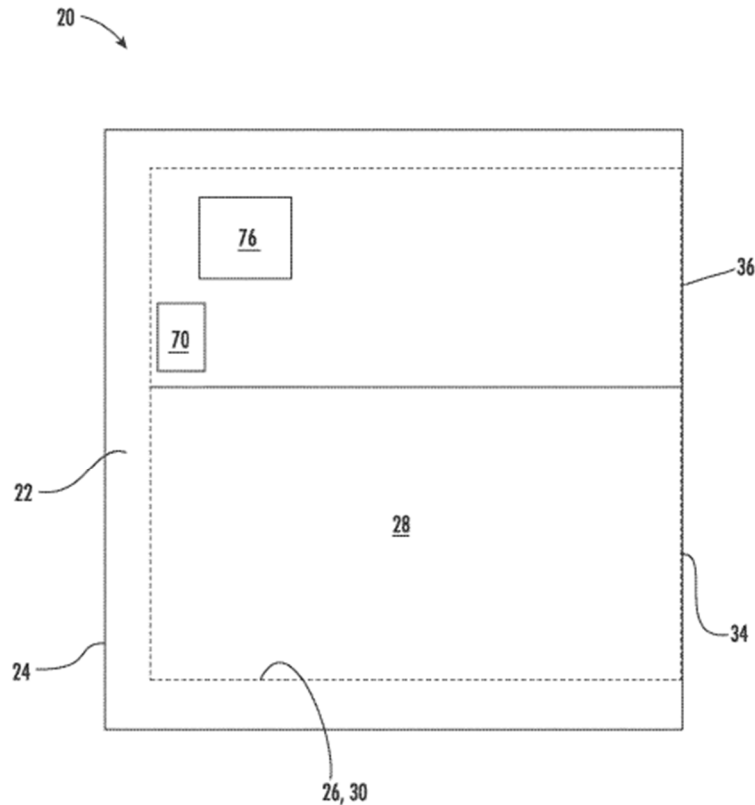


FIG. 3

EX1001, 7:65-8:7; FIG. 3. Moreover, Philips is clear that the housing has a first cooking container 12 and a second cooking container 13 as shown in FIG. 6.

EX1012, FIG. 6 (annotated above); 11:23-25. Although not drawn in FIG. 6, this

support structure is a housing that holds the cooking containers in other embodiments:

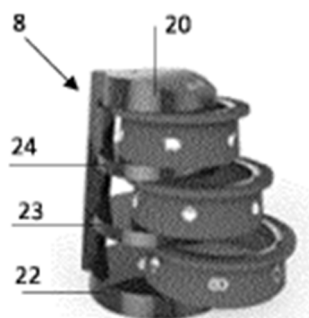
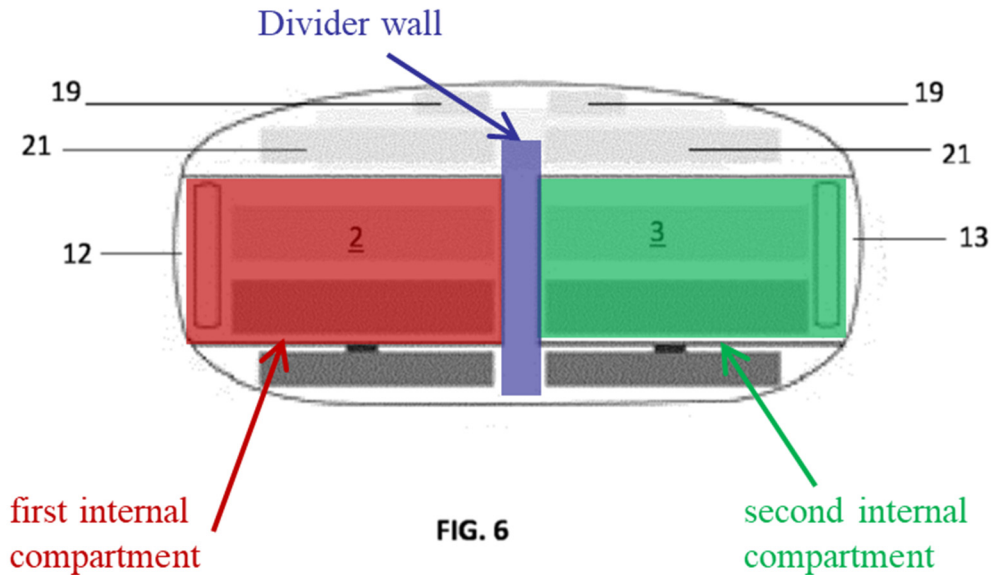


FIG. 7B

166. It is my opinion that a POSITA would recognize this support structure to meet the limitations of the claimed housing. Thus, Philips discloses this limitation.

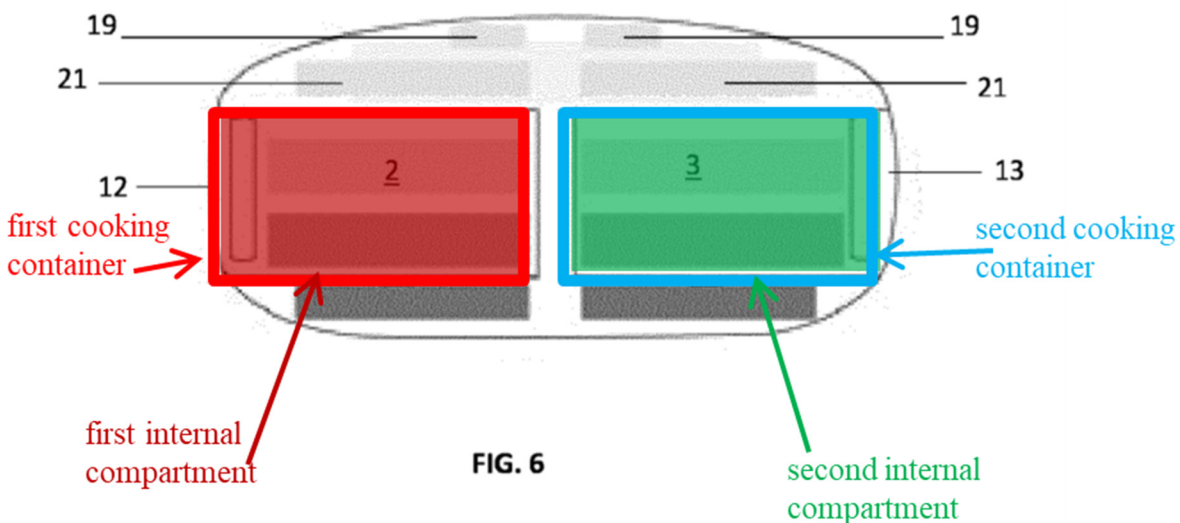
Claim 18[b]:

167. It is my opinion that Philips discloses “the first internal compartment and the second internal compartment being separated by a dividing wall extending upward from a base of the housing.” Philips states that the “chambers are arranged side by side and are physically separated such that the cooking parameters in the food preparation chambers 2, 3 can be set independently.” EX1012, 9:11-13. Philips further teaches that a non-permeable wall or partition may separate the chambers. EX1012, 8:16-19. It is my opinion that a POSITA would understand that the physical separation taught by Philips would include a wall separating the cooking containers and the compartments.



Claim 18[c]:

168. It is my opinion that Philips discloses “each of the first and second cooking containers defining a cooking volume therein.” Philips discloses that “*each food preparation chambers 2,3 may be accommodated in a container 12, 13 which may for instance may be removable mounted.*” EX1012, 11:19-23; Figure 2 (annotated). As shown below, there are two food containers 12 and 13 disclosed in two food volumes 2 and 3.



169. It is my opinion that a POSITA would understand that cooking chambers cook food therein.

Claim 18[d]:

170. It is my opinion that Philips discloses “the first and second cooking containers being configured to engage with first and second respective channels inside the housing to define first and second respective air ducts therein.” Philips discloses that “each food preparation chamber 2,3” may include suitable air guide elements to guide the air circulation according to a predetermined pattern, wherein preferably the air flow is evenly distributed through the food so that *the heat* from the air flow is evenly transferred.” EX1012, 11:20-22. Philips teaches that the cooking chambers which creates separate channels. This relationship defines the air ducts. It is my opinion that a POSITA would understand the cooking chambers engage with channels to define the air ducts.

Claim 18[e]:

171. It is my opinion that Philips discloses “first and second heating elements disposed in the housing adjacent the cooking volume of the first and second cooking containers, respectively, the first and second heating elements being independently operable.” Philips states that dual arrangement of the air fryers allows two cooking operated at the same time (two food chambers can be set independently. EX1012, 11:12-15, Fig. 6, Claim 1. Each food chamber has “its own heating element 21.”



FIG. 6

172. Philips states "In some embodiments, at least one of the following cooking parameters can be set and controlled independently per food preparation chamber: the temperature, the air flow rate, the cooking time, the humidity, the pressure." EX1012, 6:9-11. It is my opinion that a POSITA would understand that Philips Fig. 6 embodiment allows to set and control “temperature” differently, and

the device would independently operate the heating element according to the set temperature. EX1012, Claim 7.

Claim 18[f]:

173. It is my opinion that Philips discloses “first and second fans disposed in the housing adjacent the first and second heating elements, respectively.” Philips describes that “the fan 19 and heating element 21 may for instance be situated above or in an upper part of each chamber 2,3.” EX1012 11:14-15, Fig. 6.



FIG. 6

Claim 18[g] and 18[h]:

174. It is my opinion that Philips discloses “the first and second fans being independently operable.” Philips states that each cooking chamber “may comprise a heating element 21 and a fan 19, for forcefully circulating hot air through the food.”. EX1012, 11:12-15, Fig. 6, Claim 1.

I. Claim 19

175. Claim 19 depends on claim 18 and therefore my above discussions of claim 18 are repeated and incorporated by reference to the extent it applies to claim 19.

176. It is my opinion that Philips discloses “control system configured to operate cooking processes of food contained in the first and second cooking containers,” Philips states that the user interface allows users to put in cooking parameters. EX1012, 12:20-21. Philips discloses a cooking parameter can include “temperature, cooking time, air flow rate, humidity, pressure.” EX1012, 4:6-7. It is my opinion that a POSITA would have been motivated to provide a single user interface to control both chambers of a dual-chamber air fryer in order to simplify operation, reduce component cost, and improve user experience. Dual-chamber air fryers for users may require coordination of temperature and timing settings for each chamber. Prior to the priority date, it was well known that user interfaces in consumer appliances (e.g., ovens) commonly controlled multiple heating or processing zones from a single integrated panel. EX1015, 14 at 4:22-28 (“Such a double oven combination may be comprised of two ovens each of which is a unit configured identically to the oven 10 described hereinabove with one of these ovens being an upper oven disposed at a predetermined spacing above the other oven (the lower oven) and can include an associated single control panel for controlling the

operation of both the upper and lower ovens.”). It is my opinion that a POSITA would have recognized that duplicating separate interfaces for each chamber would be unnecessarily complex and confusing to the user, while a single interface could readily allow independent or synchronized control of both chambers through selectable menus or inputs.

177. Moreover, integrating a single user interface aligns with established design practices to minimize parts, reduce manufacturing cost, and conserve space on the appliance housing. It would have been straightforward for a POSITA to adapt known programmable control elements (e.g., digital displays, keypads, or rotary selectors) to allow chamber-specific selection within a single panel. The use of a single interface to control multiple cooking compartments would thus represent the predictable application of known technology to achieve recognized benefits.

178. It is my opinion that a POSITA would have had a reasonable expectation of success in implementing such a configuration. At the time, single interfaces controlling multiple functions were common in household appliances, and both the hardware and software required to enable chamber-specific control were readily available and routinely applied. Incorporating a single control panel to operate two cooking chambers would not have required inventive skill, but instead would have been a matter of routine design choice yielding predictable results.

J. Claim 20

179. Claim 20 depends on claim 19 and therefore my above discussions of claim 19 are repeated and incorporated by reference to the extent it applies to claim 20.

Claim 20[a]

180. It is my opinion that Philips discloses “the control system is configured to independently operate the first and second heating elements.” Philips states that “at least one of the following cooking parameters can be set and controlled independently per food preparation chamber: the temperature, the air flow rate, the cooking time, the humidity, the pressure.” EX1012, 6:9-11. It is my opinion that a POSITA would understand that Philips Fig. 6 embodiment allows to set and control “temperature” differently, and the device would independently operate the heating element according to the set temperature. EX1012, Claim 7.

Claim 20[b]:

181. It is my opinion that Philips discloses “the control system is configured to independently operate ... the first and second fans.” Philips discloses that the air flow rate of each chamber “can be set and controlled independently.” EX1012, Claim 7. Philips further states that the chambers in a side by side arrangement are separated such that cooking parameters (such as air flow from the fans) can be set independently. EX1012, 11:11-15. It is my opinion that a POSITA would recognize

that the user interface of Philips along with the processor of Philips comprises a control system configured to independently operate the first and second fans.

K. Claim 21

182. Claim 21 depends on claim 19 and therefore my above discussions of claim 19 are repeated and incorporated by reference to the extent it applies to claim 21.

183. It is my opinion that Philips discloses “the control system being configured to receive inputs corresponding to at least one of a temperature, a cook time, and a food type,” Philips states that the user interface allows users to put in cooking parameters. EX1012, 12:20-21. Philips discloses a cooking parameter can include “temperature, cooking time, air flow rate, humidity, pressure.” EX1012, 4:6-7. Philips states that “at least one of the following cooking parameters can be set and controlled independently per food preparation chamber: the temperature, the air flow rate, the cooking time, the humidity, the pressure.” EX1012, 6:9-11. It is my opinion that a POSITA would understand that Philips Fig. 6 embodiment allows to set and control “temperature” differently, and the device would independently operate the heating element according to the set temperature. EX1012, Claim 7.

184. It is my opinion that a POSITA would have been motivated to provide a single user interface to control both chambers of a dual-chamber air fryer in order to simplify operation, reduce component cost, and improve user experience. Dual-

chamber air fryers for users may require coordination of temperature and timing settings for each chamber. Prior to the priority date, it was well known that user interfaces in consumer appliances (e.g., ovens) commonly controlled multiple heating or processing zones from a single integrated panel. EX1015, 14 at 4:22-28 (“Such a double oven combination may be comprised of two ovens each of which is a unit configured identically to the oven 10 described hereinabove with one of these ovens being an upper oven disposed at a predetermined spacing above the other oven (the lower oven) and can include an associated single control panel for controlling the operation of both the upper and lower ovens.”). It is my opinion that a POSITA would have recognized that duplicating separate interfaces for each chamber would be unnecessarily complex and confusing to the user, while a single interface could readily allow independent or synchronized control of both chambers through selectable menus or inputs.

185. Moreover, integrating a single user interface aligns with established design practices to minimize parts, reduce manufacturing cost, and conserve space on the appliance housing. It is my opinion that it would have been straightforward for a POSITA to adapt known programmable control elements (e.g., digital displays, keypads, or rotary selectors) to allow chamber-specific selection within a single panel. The use of a single interface to control multiple cooking compartments would

thus represent the predictable application of known technology to achieve recognized benefits.

186. It is my opinion that a POSITA would have had a reasonable expectation of success in implementing such a configuration. At the time, single interfaces controlling multiple functions were common in household appliances, and both the hardware and software required to enable chamber-specific control were readily available and routinely applied. Incorporating a single control panel to operate two cooking chambers would not have required inventive skill, but instead would have been a matter of routine design choice yielding predictable results.

L. Claim 22

187. Claim 22 depends on claim 19 and therefore my above discussions of claim 19 are repeated and incorporated by reference to the extent it applies to claim 22.

188. It is my opinion that Philips discloses that the control system is configured to adjust cooking parameters based on sensed data without user input. Philips discloses a processor which “automatically” may set cooking parameters, such as temperature and time using calculations. EX1012, 12:25-27. Further, Philips discloses that the device can automatically prepare several dishes at the same time “without further user input and/or coordination needed to have the dishes ready at the same time.” It is my opinion that a POSITA would recognize the processor’s

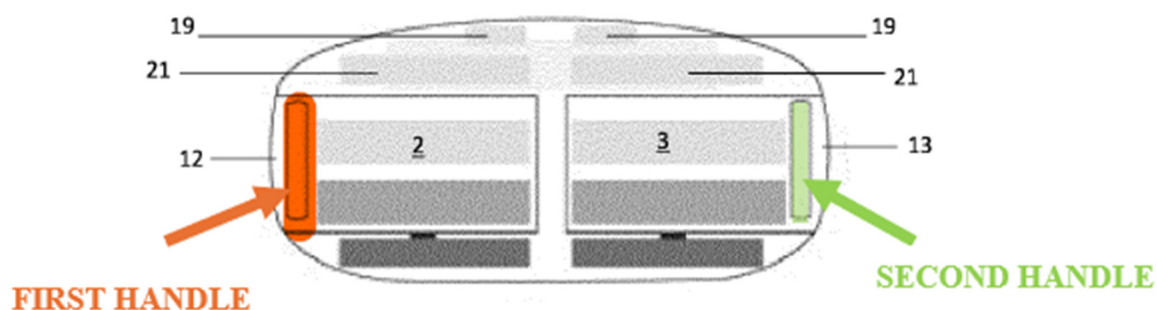
calculations to allow multiple dishes to be ready at the same time without further user input is based on sensed data, such as food type to allow the processor to implement cooking to allow multiple food chambers to finish cooking in each respective chambers at the same time. EX1012, 12:16:31.

XI. **GROUND 4: PHILIPS IN VIEW OF MOON RENDERS CLAIMS 7 AND 11-17 OBVIOUS**

A. **Claim 7**

189. Claim 7 depends on claim 1 and therefore my above discussions of claim 1 in Ground 3 are repeated and incorporated by reference to the extent it applies to claim 7.

190. It is my opinion that Philips discloses “wherein said first cooking container includes a first handle” and “wherein said second cooking container includes a second handle.” As shown in FIG.6, a handle is respectively attached to the removable containers that are placed within the dual food preparation chambers.



191. To the extent that a first and second handle is not expressly disclosed, it is my opinion that Moon expressly discloses a handle. Moon describes a “handled

food basket” which detachably secures to the cooking drawer. EX1013, abstract, [0009], Figs. 2, 10-13, [0033] and [0038].

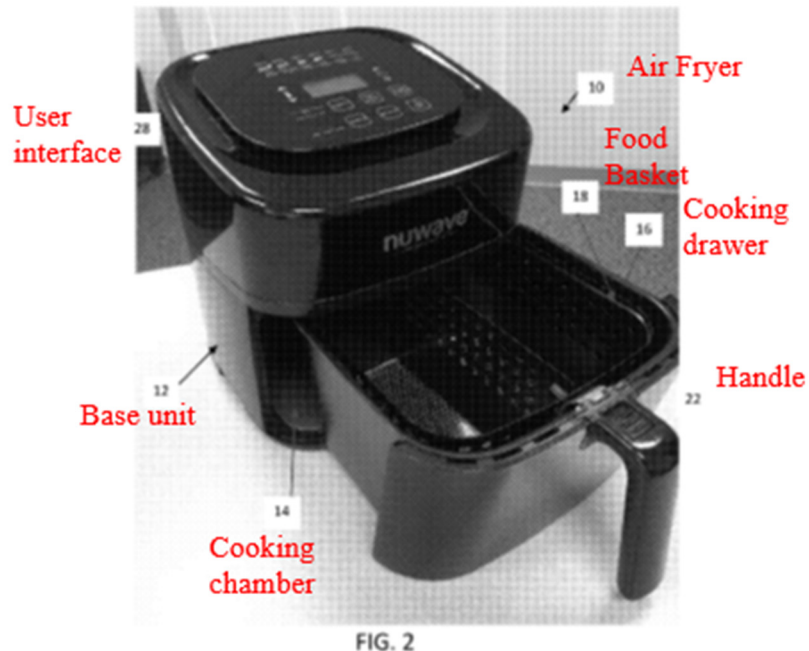


FIG. 2

EX1013, Fig. 2 (annotated).

192. It is my opinion that a POSITA would have been motivated to modify the Philips air fryer reference to include a handle on the containers that hold food in each air fryer chamber. It is my opinion that a POSITA would be motivated to add a handle to each container in order to increase safety for the user to avoid having to directly handle the container that is exposed to internal heat. As demonstrated by Moon, it was well known in the art of cooking appliances to provide handles on food containers, baskets, or trays exposed to high heat to facilitate safe insertion, removal, and transport of food. For example, deep fryer baskets, roasting pans, and convection oven trays each incorporate handles for this very purpose. It is my opinion that a

POSITA would have understood that adding a handle to the food container of Philips' air fryer would provide the predictable and desirable benefits of improved safety, ease of use, and consumer convenience.

193. Further, manufacturers of consumer kitchen appliances faced strong design incentives to enhance ergonomics and user safety. As stated in Moon, air fryers operating at high temperatures can create safety issues. EX1013 ¶[0006]. It is my opinion that a POSITA would therefore have been motivated to apply the well-known handle feature to Philips' air fryer containers so that each chamber could be accessed independently without risk of burning or requiring auxiliary tools such as oven mitts or tongs. This modification would have been nothing more than the predictable application of a known design element to an analogous device.

194. It is my opinion that a POSITA would also have had a reasonable expectation of success in implementing this modification of adding Moon's handle to each container in the dual air fryer disclosed in Phillips. Handles were a routine and predictable structural feature in the field, and adding a handle to the food container in Philips would not require undue experimentation or inventive skill. The modification would not interfere with the air fryer's heating, air circulation, or cooking functions as the handle is external to the food container (EX1013, claim 1) and suitable heat-resistant handle materials were readily available at the time of the invention. Thus, it is my opinion that a POSITA would have expected that adding a

handle would predictably result in a safe and convenient means for manipulating the food container, consistent with the purposes and functions of Philips' air fryer.

B. Claim 11

195. Claim 11 depends on claim 1 and therefore my above discussions of claim 1 in Ground 3 are repeated and incorporated by reference to the extent it applies to claim 11.

Claim 11[a]

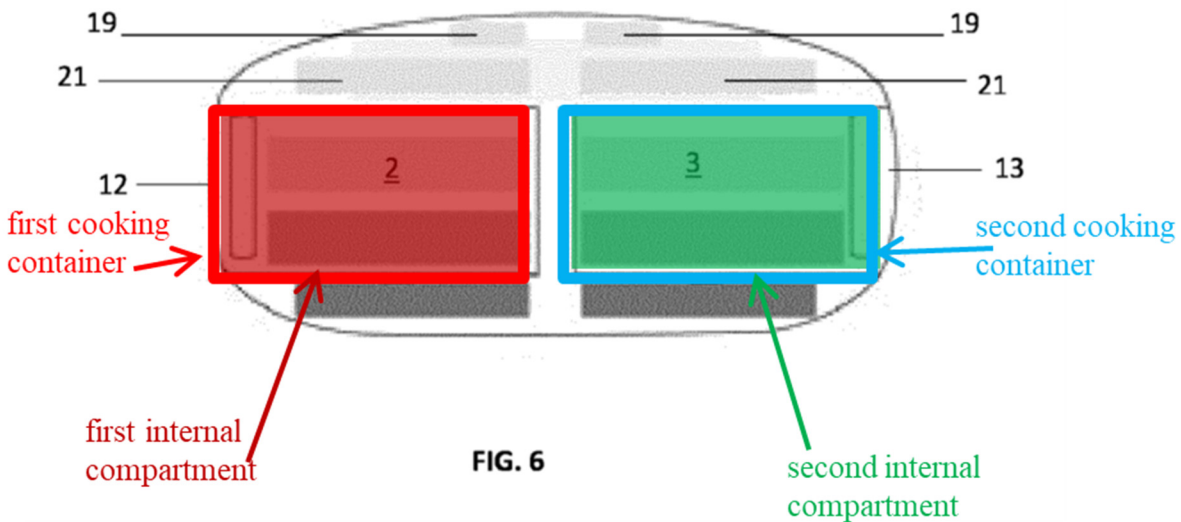
196. It is my opinion that Philips discloses “wherein the housing has a first opening extending into the first internal compartment and a second opening extending into the second internal compartment.” As Philips includes removable food preparation chambers, there must be an opening for each food preparation container to enter. EX1012, 11:23-25. It is my opinion that a POSITA would see that an opening would be needed to install the cooking container.

Claim 11[b]

197. It is my opinion that Philips discloses “wherein said first cooking container is removably receivable within said first internal compartment to seal the first opening to said first internal compartment when inserted therein.” The '377 patent uses the term “completely closed off” in claim 1 and “seal” in claim 11. Although the term “seal” is not used in the specification of the '377 patent, the term seal should be understood to be closed securely. Philips states that “each food

preparation chamber may be accommodated in a container 12, 13 which may for instance be removably mounted in a support structure 8 *for instance like a drawer.*”

EX1012, 11:19-23; FIG. 6 (annotated)



198. It is my opinion that a POSITA would recognize that the first and second container of Philips when closing off like a “drawer” meets the limitation of closing off an opening of the first compartment when inserted. As disclosed in the

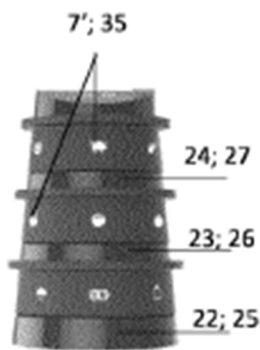


FIG. 7A

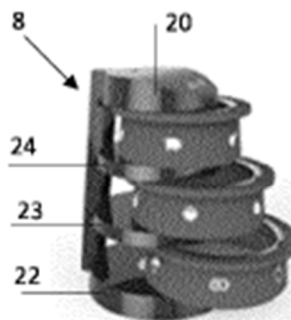


FIG. 7B



FIG. 7C

other embodiments of Philips which are also described as “drawers” it is clear that the containers when inserted close off openings shown above in platforms 22, 23. EX1012, 8:16-20 (the containers 12,13,14 can be mounted in a support structure 8 like drawers. The support structure 8 may be provided with platforms 22, 23 and 24 (see FIGS 7A-C)). Philips teaches circulating air through its containers 12,13, 14, and back through base, which further evidences that its containers are “closed off” thereby preventing leaking air.

199. To the extent Philips does not expressly disclose the limitation of “wherein said first cooking container is removably receivable within said first internal compartment to seal the first opening to said first internal compartment when inserted therein,” Philips in view of Moon renders obvious this feature. Moon describes a drawer-style cooking container that “fits securely within the cooking chamber and substantially seals the chamber against heat loss during use,” thereby sealing the cooking container to the internal compartment. EX1013 at Claim1; [0038]; Fig. 3. Particularly, Moon states that “the cooking chamber 14 is fully occupied by the fitted cooking drawer 16. In a closed position, the drawer seals the chamber 14 to prevent the escape of heat.” EX1013 at [0038].

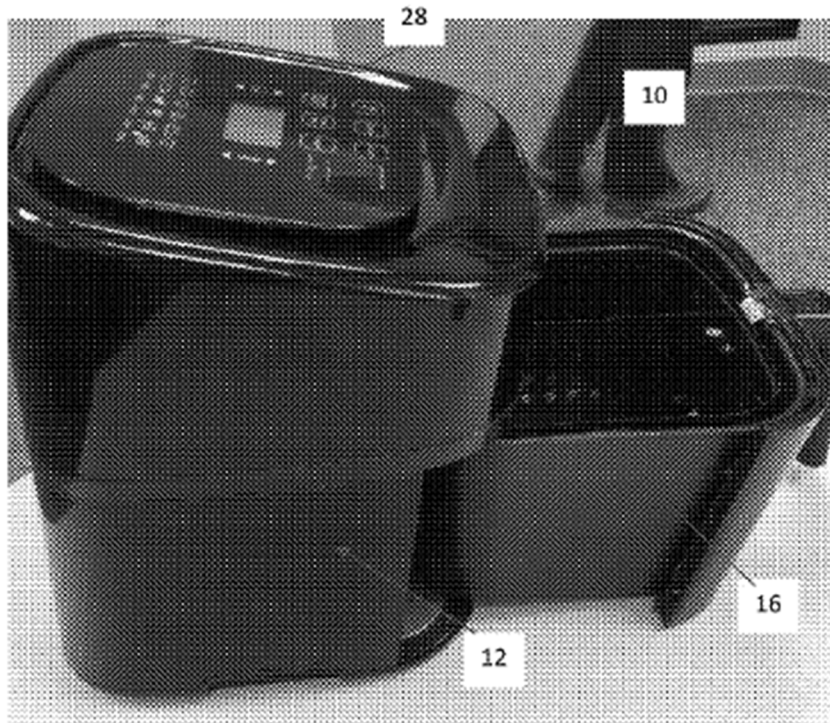


FIG. 3

200. A POSITA would have understood that modifying the sealed drawer design of Moon into Philips system would achieve the claimed configuration and created cooking containers that when closed into the housing seal the cooking chamber in the internal compartment.

201. It is my opinion that a POSITA would have been motivated to make this combination because a continuous outer surface provides a tighter seal, which in turn reduces air leakage, improves internal air circulation, and increases heating efficiency. Philips shares the concern of assuring air flow is sufficient and stable when cooking. EX1011, ¶41. As discussed by Moon, creating a seal prevents the escape of heat. EX1013 ¶0038. The sealed design also enhances safety by reducing exposure to hot air. Further, as Moon shows, drawer-style continuous-surface

designs were commonplace in countertop air fryers at the time of the alleged invention. It is my opinion that a POSITA would have viewed the integration of Moon's drawer configuration into Philips as a predictable application of known design principles to achieve expected benefits.

202. It is my opinion that a POSITA also would have had a reasonable expectation of success in combining these teachings. Drawer-style continuous-surface designs were well known and required only routine adaptation to implement in Philip's multi-container system. Nothing in either reference teaches away from such a modification; to the contrary, both references emphasize reducing heat loss and improving cooking performance. EX1011 ¶41. Thus, a POSITA would have reasonably expected that combining Moon's drawer configuration with Philips air fryer would yield the predictable result of a seal between the cooking chamber and internal compartment with improved thermal performance and user safety.

Claim 11[c]

203. It is my opinion that Philips discloses "wherein said second cooking container is removably receivable within said second internal compartment to seal the second opening to said second internal compartment when inserted therein." As stated above, Philips states that "each food preparation chamber may be accommodated in a container 12, 13 which may for instance be removably mounted

in a support structure 8 *for instance like a drawer.*” EX1012, 11:19-23; FIG. 6 (annotated).

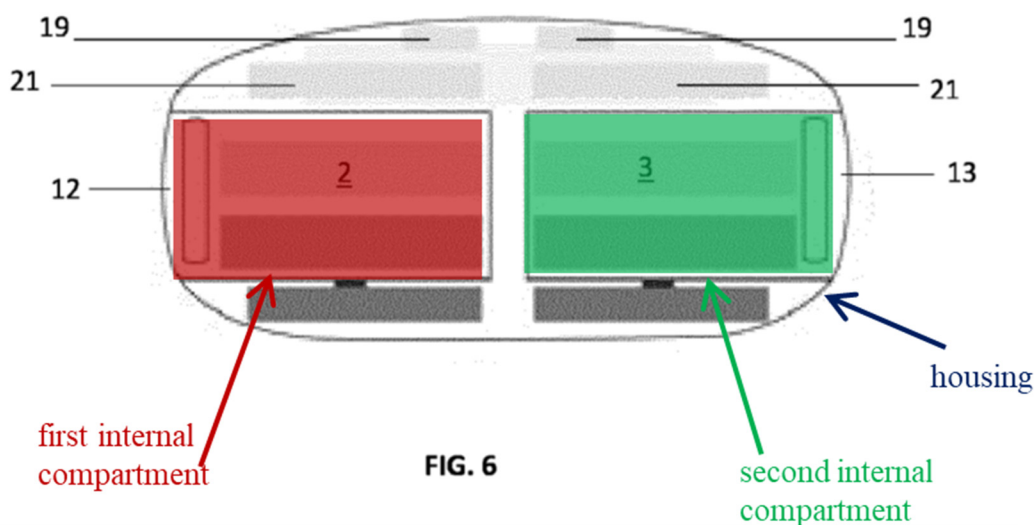
C. Claim 12

Claim 12[pre]:

204. To My discussion above addressing claim 1[pre] in Ground 3 applies to claim 12[pre] and is repeated and incorporated by reference here.

Claim 12[a]:

205. It is my opinion that Philips discloses a housing:



EX1012, Fig. 6. Philips discloses “table top kitchen device with two food preparation chambers 2,3, both chambers being arranged for air frying food that in use may be disposed therein. EX1012, ¶11, 9-13. Philips states:

the support structure 8 may be formed with housings or cavities (not shown), each housing or cavity being equipped with a closable door, lid or the like, to allow food or a food container to be placed therein. Alternative configuration are possible. Relevant is that the configurations are capable of physically separating the food preparation chambers from each other in such way that an autonomous cooking environment can be established in each chamber, with independently settable and controllable cooking conditions, i.e. cooking method and/or cooking parameter.

EX1012, 8: 22-28. As shown in Figure 6, the food chambers are within a housing. It is my opinion that a POSITA would recognize that the preparation chambers are held within a housing.

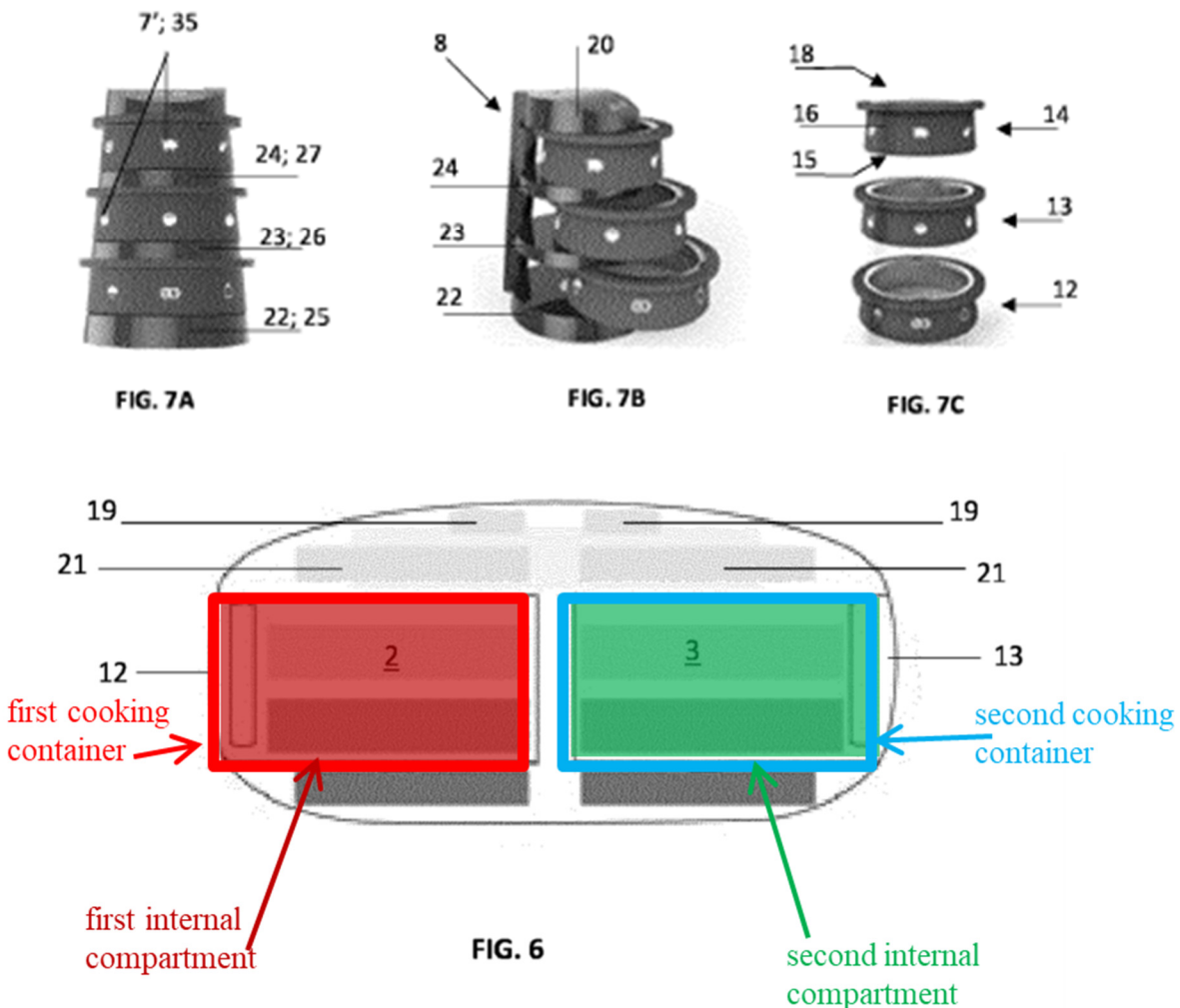
Claim 12[b]:

206. It is my opinion that Philips discloses “said first cooking container being removably receivable within said first internal compartment to close off an opening to said first internal compartment when inserted therein.” Philips states that “each food preparation chamber may be accommodated in a container 12, 13 which may for instance be removably mounted in a support structure 8 *for instance like a drawer.*” EX1012, 11:19-23; FIG. 6 (annotated) Philips states:

the support structure 8 may be formed with housings or cavities (not shown), each housing or cavity being equipped with a closable door, lid or the like, to allow food or a food container to be placed therein. Alternative configuration are possible. Relevant is that the configurations are capable of physically separating the food preparation chambers from each other in such way

that an autonomous cooking environment can be established in each chamber, with independently settable and controllable cooking conditions, i.e. cooking method and/or cooking parameter.

EX1012, 8: 22-28.

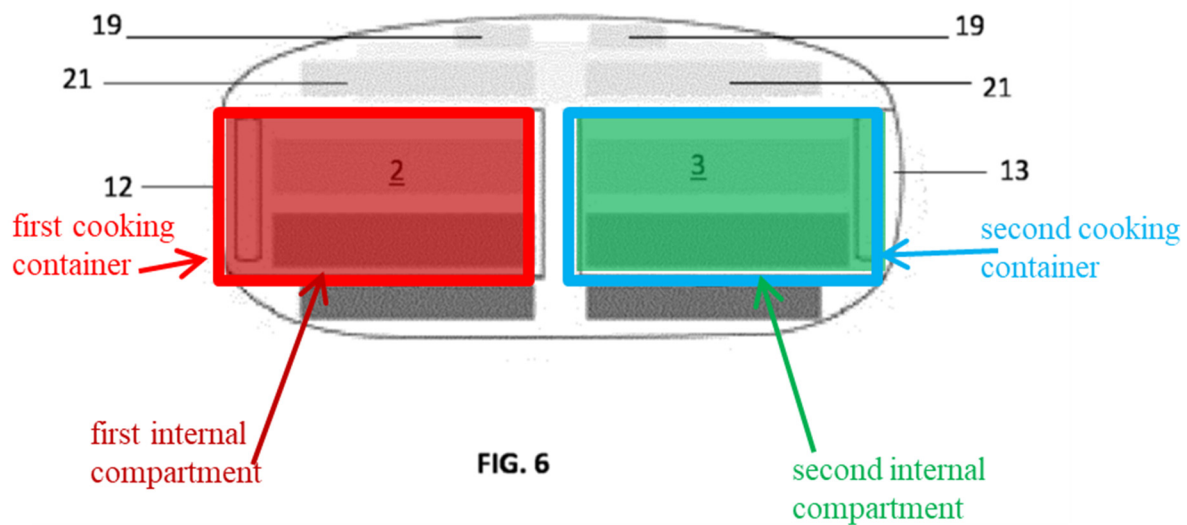


207. It is my opinion that a POSITA would recognize that the first and second container of Philips when closing off like a “drawer” meets the limitation of closing off an opening of the first compartment when inserted. As disclosed in the other

embodiments of Philips which are also described as “drawers” it is clear that the containers when inserted close off openings shown above in platforms 22, 23. EX1012, 8:16-20 (the containers 12,13,14 can be mounted in a support structure 8 like drawers. The support structure 8 may be provided with platforms 22, 23 and 24 (see FIGS 7A-C)”. Philips teaches circulating air through its containers 12,13, 14, and back through base, which further evidences that its containers are “closed off” thereby preventing leaking air.

Claim 12[c]:

208. Similar to the first cooking container, it is my opinion that Philips also discloses “a second cooking container defining a second cooking volume.” Philips discloses that “*each food preparation chambers 2,3 may be accommodated in a container 12, 13 which may for instance may be removable mounted.*” EX1012, 11:19-23; Figure 2 (annotated). As shown below, there are two food containers 12 and 13 disclosed in two food volumes 2 and 3.



209. It is my opinion that a POSITA would understand that the “second container defining a second cooking volume” would be met by one of the containers 12 and 13 disclosed in Philips (e.g. first container is disclosed by first container 12 and first cooking volume 2 and second container is disclosed by second container 13 and second cooking volume 3. Thus, Philips discloses this limitation.

Claim 12[d]:

210. It is my opinion that Philips discloses “the first internal compartment including a first heating assembly comprising a first fan and a first heating element configured to cook food disposed in the first cooking container.” Philips states that each chamber may comprise “a heating element 21 and a fan 19, for forcefully circulating hot air through the food.” EX1012 9:13-14. It is my opinion that a POSITA would understand that the arrangement shown in FIG. 6 would cook food contained in the chamber.

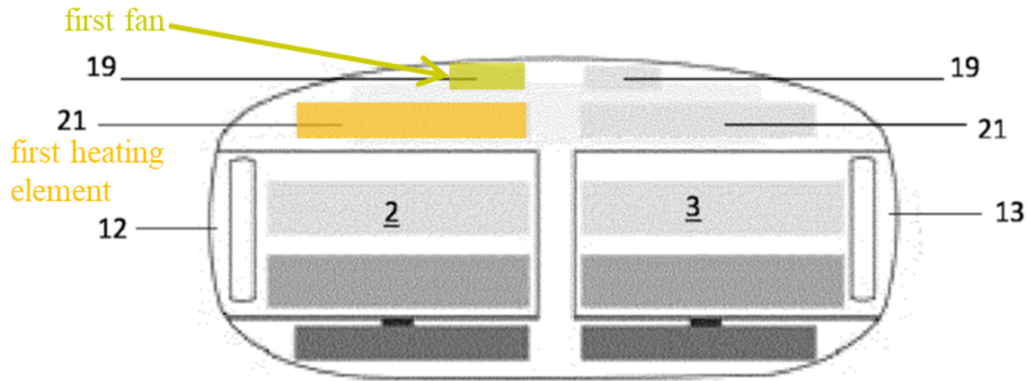


FIG. 6

Claim 12[e]:

211. It is my opinion that Philips discloses “the second internal cooking compartment including a second heating assembly comprising a second fan and a second heating element configured to cook food disposed in the second cooking container.” Philips states that each chamber may comprise “a heating element 21 and a fan 19, for forcefully circulating hot air through the food.” EX1012 9:13-14. A POSITA would understand that the arrangement shown in FIG. 6 would cook food contained in the chamber.

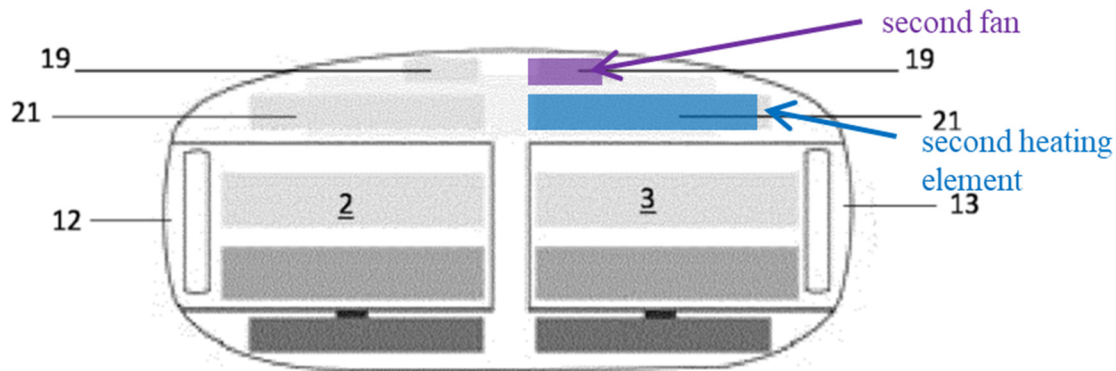


FIG. 6

Claim 12ff/:

212. It is my opinion that Philips discloses “the first and second heating elements being independently operable to independently cook food contained within the first and second cooking containers.” Philips states that dual arrangement of the air fryers allows two cooking operated at the same time (two food chambers can be set independently. EX1012, 11:12-15, Fig. 6, Claim 1. Each food chamber has “its own heating element 21.”



FIG. 6

213. Philips states "In some embodiments, at least one of the following cooking parameters can be set and controlled independently per food preparation chamber: the temperature, the air flow rate, the cooking time, the humidity, the pressure." EX1012, 6:9-11. It is my opinion that a POSITA would understand that Philips Fig. 6 embodiment allows to set and control "temperature" differently, and the device would independently operate the heating element according to the set temperature. EX1012, Claim 7.

Claim 12[g]:

214. It is my opinion that Philips discloses "the first and second heating assemblies being programmable to simultaneously cook food in separate cooking modes." Philips discloses a user interface 7 may allow a user to enter desired cooking conditions (cooking method, cooking parameters) per food preparation chamber and may provide the user with feedback. EX1012, 7:29-32. It is my opinion that a

POSITA viewing FIG. 1 would understand that the user interface of FIG. 1 could be applied to each compartment disclosed in FIG. 6 and thus the cooking operations are programmable. A POSITA would easily recognize that cooking using a programmable would simultaneously cook food in an independent operation of the heating elements.

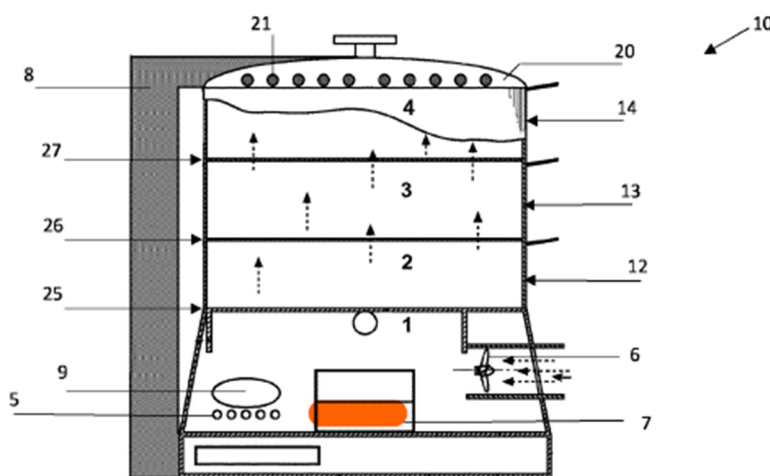


FIG. 1

215. To the extent the user interface of Philips is not explicitly “programmable,” it is my opinion that Philips in view of Moon renders this limitation obvious. Moon discloses a user interface that comprises “programmable time and temperature buttons, as well as a plurality of preset time and temperature settings and a plurality of programmable buttons.” EX1013, [0011].

216. It is my opinion that a POSITA would have been motivated to combine a programmable user interface with a dual-chamber air fryer, such as the Philips

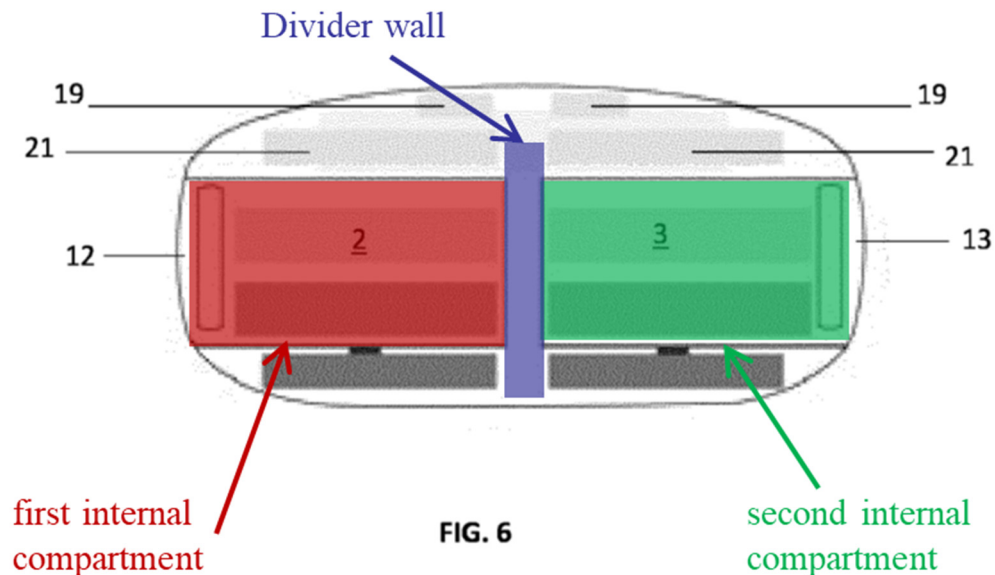
design, in order to improve the operability and flexibility of the appliance. Dual air fryers inherently require coordination of time and temperature settings for two independent cooking compartments as disclosed in Philips. It is my opinion that a POSITA would recognize that incorporating a programmable interface allows the operator to easily manage each compartment separately or in synchronization, thereby reducing user burden and minimizing error compared to manual adjustment.

217. It is my opinion that a POSITA would also have had a reasonable expectation of success in making this combination. Both the hardware (programmable displays, digital controllers) and software (preset storage, compartment-specific controls) were readily available and routinely implemented in consumer cooking devices by the relevant timeframe. Integrating these known control elements into a dual-compartment air fryer would not have required inventive skill but merely routine adaptation of existing design practices.

Claim 12[h]:

218. It is my opinion that Philips discloses “the first internal compartment and the second internal compartment being separated by a dividing wall extending upward from a base of the housing.” Philips states that the “chambers are arranged side by side and are physically separated such that the cooking parameters in the food preparation chambers 2, 3 can be set independently.” EX1012, 9:11-13. Philips further teaches that a non-permeable wall or partition may separate the chambers.

EX1012, 8:16-19. It is my opinion that a POSITA would understand that the physical separation taught by Philips would include a wall.



Claim 12[i]:

219. It is my opinion that Philips discloses “wherein the first and second cooking containers are horizontally coplanar when disposed in the first and second internal cooking compartments respectively.” Philips states that the food preparation chambers are “arranged side by side as illustrated in FIG. 6.” EX1012, 6:9-11. It is my opinion that a POSITA would understand that this arrangement is horizontally coplanar.

D. Claim 13

220. Claim 13 depends on claim 12 and therefore my above discussions of claim 12 in Ground 3 are repeated and incorporated by reference to the extent it applies to claim 13.

221. Claim 13 includes the same features as claim 7. As such, the discussion of claim 7 is repeated and incorporated by reference here to the extent it applies to claim 13.

E. Claim 14

222. Claim 14 depends on claim 12 and therefore my above discussions of claim 12 are repeated and incorporated by reference to the extent it applies to claim 14.

223. It is my opinion that Philips discloses “wherein the first internal cooking compartment and the second internal cooking compartment are independently operable to cook food.” Philips states that dual arrangement of the air fryers allows two cooking operations at the same time (two food chambers can be set independently). EX1012, 11:12-15, Fig. 6. “The chambers are arranged side by side and are physically separated such that the cooking parameters in the food preparation chambers can be set independently.” EX1012, 11:12-13.

224. It is my opinion that a POSITA would recognize that two food preparation chambers that can be “set independently” establishes that each food preparation chamber has its own heating element that is independently operable to cook food.

225. Philips discloses “using at least one of conduction, convection, radiation, and induction.” Philips uses heating elements, which Philips discloses are

for “supplying radiation heat.” EX1012, 9:9-12. It is my opinion that a POSITA would understand that the heating element of Philips discloses at least radiation.

F. Claim 15

226. Claim 15 depends on claim 12 and therefore my above discussions of claim 12 are repeated and incorporated by reference to the extent it applies to claim 15.

Claim 15[a]

227. It is my opinion that Philips discloses “a control system configured to operate the first and second cooking assemblies,” Philips states that the user interface allows users to put in cooking parameters. EX1012, 12:20-21. Philips discloses a cooking parameter can include “temperature, cooking time, air flow rate, humidity, pressure.” EX1012, 4:6-7. It is my opinion that a POSITA would have been motivated to provide a single user interface to control both chambers of a dual-chamber air fryer in order to simplify operation, reduce component cost, and improve user experience. Dual-chamber air fryers for users may require coordination of temperature and timing settings for each chamber. Prior to the priority date, it was well known that user interfaces in consumer appliances (e.g., ovens) commonly controlled multiple heating or processing zones from a single integrated panel. EX1015, 14 at 4:22-28 (“Such a double oven combination may be comprised of two ovens each of which is a unit configured identically to the oven 10 described

hereinabove with one of these ovens being an upper oven disposed at a predetermined spacing above the other oven (the lower oven) and can include an associated single control panel for controlling the operation of both the upper and lower ovens.”). It is my opinion that a POSITA would have recognized that duplicating separate interfaces for each chamber would be unnecessarily complex and confusing to the user, while a single interface could readily allow independent or synchronized control of both chambers through selectable menus or inputs.

228. Moreover, integrating a single user interface aligns with established design practices to minimize parts, reduce manufacturing cost, and conserve space on the appliance housing. It would have been straightforward for a POSITA to adapt known programmable control elements (e.g., digital displays, keypads, or rotary selectors) to allow chamber-specific selection within a single panel. The use of a single interface to control multiple cooking compartments would thus represent the predictable application of known technology to achieve recognized benefits.

229. It is my opinion that a POSITA would have had a reasonable expectation of success in implementing such a configuration. At the time, single interfaces controlling multiple functions were common in household appliances, and both the hardware and software required to enable chamber-specific control were readily available and routinely applied. Incorporating a single control panel to operate two

cooking chambers would not have required inventive skill, but instead would have been a matter of routine design choice yielding predictable results.

Claim 15[b]

230. It is my opinion that Philips discloses that the “control system being configured to receive inputs corresponding to at least one of a temperature, a cook time, and a food type.” Philips states that the user interface allows users to put in cooking parameters. EX1012, 12:20-21. Philips discloses a cooking parameter can include “temperature, cooking time, air flow rate, humidity, pressure.” EX1012, 4:6-7.

G. Claim 16

231. Claim 16 depends on claim 12 and therefore my above discussions of claim 12 in Ground 3 are repeated and incorporated by reference to the extent it applies to claim 16.

232. It is my opinion that Philips and/or Philips in view of Moon discloses “the motor configured to operate the first and second fans at the same speed or at different speeds.” Philips does not explicitly disclose speeds for air circulation. Philips instead states “Alternatively, the chambers 2, 3 may each include their own heating element 21 and share a single fan 19. In such case, suitable control means may be provided to control the air flow rate of said fan to the respective chambers

2, 3.” EX1012, 11:15-18. A POSITA would understand that the “suitable control means” disclosed in Philips single fan embodiment could be applied to the multiple fan embodiments to implement multiple fan speeds.

233. To the extent Petitioner asserts Philips does not disclose a motor configured to operate the first and second fans at the same speed or at different speeds, Moon discloses for its fans that a user may set “air speed” via a user interface. EX1013[0034]. It is my opinion that a POSITA would have been motivated to adapt the motor control functionality of Moon into the Philips dual-chamber system using a single motor with a gearbox mechanism to drive both fans. Gearboxes and transmission systems were well-known in the art to split torque and adjust rotational speeds across multiple outputs from a single motor. EX1014, [00305]. By coupling a gearbox to the motor shaft, a POSITA would readily recognize that two driven shafts could be configured: (1) to rotate both fans at the same speed, or (2) to rotate the fans at different speeds, depending on gear ratios or clutching mechanisms. The ’377 Patent is notably silent on how multiple speeds for a single motor is achieved.

234. The motivation to employ a single motor with a gearbox rather than two separate motors is supported by several factors. First, it reduces cost and complexity by eliminating duplicate motors and associated wiring. Second, it conserves space within the appliance housing—an important consideration in compact countertop

devices such as a tabletop air fryer. Third, it ensures synchronized operation when desired, while still enabling differential speeds through selectable gearing, thereby providing flexibility to accommodate different food items in the two chambers.

235. It is my opinion that this modification would have been routine for a POSITA because single-motor, multi-output gearbox systems were already in common use in household appliances (e.g., washing machines, mixers, HVAC blowers) where a single motor drives multiple fans, drums, or impellers at different or selectable speeds. The application of such known mechanical arrangements to the Philips dual-fan configuration would have been a predictable use of known elements to yield expected benefits.

236. It is my opinion that a POSITA would also have had a reasonable expectation of success, since both Philips and Moon already disclose electric fans driven by motors, and gearboxes are mature, off-the-shelf components that can readily distribute motion from a single motor to multiple outputs. The combination would not require inventive skill but instead reflect routine engineering design, producing the predictable improvement of enabling one motor to operate both fans at the same or different speeds depending on cooking needs

H. Claim 17

237. Claim 13 depends on claim 12 and therefore my above discussions of claim 12 in Ground 3 are repeated and incorporated by reference to the extent it applies to claim 13.

Claim 17[a]

238. Claim 17[a] includes the same features as claim 11[a]. As such, the discussion of claim 11[a] is repeated and incorporated by reference here to the extent it applies to claim 17[a].

Claim 17[b]

239. Claim 17[b] includes the same features as claim 11[b]. As such, the discussion of claim 11[b] is repeated and incorporated by reference here to the extent it applies to claim 17[b].

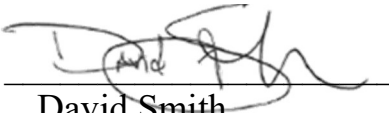
Claim 17[c]

240. Claim 17[c] includes the same features as claim 11[c]. As such, the discussion of claim 11[c] is repeated and incorporated by reference here to the extent it applies to claim 17[c].

XII. CONCLUSION

241. I currently hold the opinions expressed in this Declaration. I reserve the right to supplement these opinions, however, in the event that I become aware of additional pertinent information or in response to the testimony of others, including any experts offered by Patent Owner. I declare that all statements made herein of my knowledge are true, and that all statements made on information and belief are believed to be true, and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Date: 12 September 2025

By: 
David Smith